

For Internal Use Only



**BALTIMORE CITY COUNCIL
WAYS AND MEANS
COMMITTEE**

Mission Statement

The Committee on Ways and Means (WM) is responsible for ensuring taxpayer dollars are expended prudently and equitably. WM will exercise regular oversight of the City's budget, expenditures, loans, and other financial matters. The committee's areas of jurisdiction include: budget & appropriations, taxation, financial services, consumer protection, audits, and the Comptroller's Office.

**The Honorable Eric T. Costello
Chairman**

PUBLIC HEARING

**TUESDAY, AUGUST 6, 2024
10:00 AM**

COUNCIL CHAMBERS

Council Bill #24-0511

**Repeal of Ordinance 01-284 - Home Depot at Reisterstown Plaza
Planned Unit Development**

CITY COUNCIL COMMITTEES

ECONOMIC AND COMMUNITY DEVELOPMENT (ECD)

Sharon Green Middleton, Chair
John Bullock – Vice Chair
Mark Conway
Ryan Dorsey
Antonio Glover
Odette Ramos
Robert Stokes
Staff: Anthony Leva (410-396-1091)

WAYS AND MEANS (W&M)

Eric Costello, Chair
Kristerfer Burnett
Ryan Dorsey
Danielle McCray
Sharon Green Middleton
Isaac “Yitzy” Schleifer
Robert Stokes
Staff: Marguerite Currin (443-984-3485)

PUBLIC SAFETY AND GOVERNMENT OPERATIONS (SGO)

Mark Conway – Chair
Kristerfer Burnett
Zeke Cohen
Erick Costello
Antonio Glover
Phylicia Porter
Odette Ramos
Staff: Anthony Leva (410-396-1091)

FINANCE AND PERFORMANCE (FP)

John Bullock, Chair
Eric Costello, Vice Chair
Isaac “Yitzy” Schleifer
Danielle McCray
Phylicia Porter
Staff: Marguerite Currin (443-984-3485)

COMMITTEE OF THE WHOLE (COW)

President Nick Mosby, Chair
All City Council Members
Staff: Larry Greene (410-396-7215)

EDUCATION, WORKFORCE, AND YOUTH (EWY)

Robert Stokes – Chair
John Bullock
Zeke Cohen
Antonio Glover
Sharon Green Middleton
Phylicia Porter
James Torrence
Staff: Deontre Hayes (410-396-1260)

HEALTH, ENVIRONMENT, AND TECHNOLOGY (HET)

Danielle McCray – Chair
John Bullock
Mark Conway
Ryan Dorsey
Phylicia Porter
James Torrence
Isaac “Yitzy” Schleifer
Staff: Deontre Hayes (410-396-1260)

RULES AND LEGISLATIVE OVERSIGHT (OVERSIGHT)

Isaac “Yitzy” Schleifer, Chair
Kristerfer Burnett
Mark Conway
Eric Costello
Sharon Green Middleton
Odette Ramos
James Torrence
Staff: Richard Krummerich (410-396-1266)

LEGISLATIVE INVESTIGATIONS (LI)

Eric Costello, Chair
Sharon Green Middleton, Vice Chair
Isaac “Yitzy” Schleifer
Robert Stokes
Danielle McCray
Staff: Marguerite Currin (443-984-3485)



BILL SYNOPSIS

Committee: Ways and Means

Bill 24-0511

**Repeal of Ordinance 01-284 - Home Depot at Reisterstown Plaza
Planned Unit Development**

Sponsor: Councilmember Schleifer at the request of TRC RRP Holdings, LLC
Introduced: April 8, 2024

Purpose:

For the purpose of repealing Ordinance 01-0284, which designated certain properties a Business Planned Unit Development known as Home Depot at Reisterstown Plaza; and providing for a special effective date.

Effective: On the date it is enacted.

Agency Reports

Law Department	Favorable
Planning Commission	Favorable
Department of Housing & Community Development	None as of this writing
Baltimore Development Corporation	Favorable
Department of Transportation	No Objection

Analysis

Current Law

Ordinance 01-284

Article 32 - Zoning Code law require the Mayor and City Council to find as follows when deciding whether to repeal a Planned Unit Development (PUD):

1. the repeal of the PUD is in the public interest; and
2. the approved final development plan of the PUD:
 - i. has been substantially completed,
 - ii. is no longer necessary in light of the property's underlying zoning,
 - iii. is no longer consistent with the City's Master Plan; or
 - iv. has been abandoned by the property owner.

Background

Council Bill 24-0511, if enacted would repeal (cancel) the prior Ordinance that established the PUD for Home Depot located at Reisterstown Plaza Shopping Center, 6512 Reisterstown Road, Baltimore City, Maryland 21215. This property is located in the 5th Council District.



The Department of Planning/Planning Commission has provided extensive information regarding the site, its history and etc. in their agency report. *See attached report.*

Community associations have been notified about this Ordinance/action.

Additional Information

Fiscal Note: None

Information Source(s): Bill 24-0511 and all agency reports, and all correspondence received as of this writing.

Marguerite M. Currin

Analysis by: Marguerite M. Currin

Direct Inquiries to: (443) 984-3485

Analysis Date: August 1, 2024

**CITY OF BALTIMORE
COUNCIL BILL 24-0511
(First Reader)**

Introduced by: Councilmember Schleifer
At the request of: TRC RRP Holdings, LLC
Address: c/o Caroline L. Hecker, Esquire
25 S. Charles Street, 21st Floor
Baltimore, Maryland 21201
Telephone: (410) 727-6600

Introduced and read first time: April 8, 2024

Assigned to: Ways and Means Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Planning Commission, Department of Housing and Community Development, Baltimore Development Corporation, Department of Transportation

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Repeal of Ordinance 01-284 – Home Depot at Reisterstown Plaza**
3 **Planned Unit Development**

4 FOR the purpose of repealing Ordinance 01-284, which designated certain properties a Business
5 Planned Unit Development known as Home Depot at Reisterstown Plaza; and providing for a
6 special effective date.

7 BY repealing
8 Ordinance 01-284

9 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That
10 Ordinance 01-284 is repealed, and the authority conferred in that Ordinance to designate certain
11 properties a Business Planned Unit Development known as Home Depot at Reisterstown Plaza is
12 rescinded.

13 **SECTION 2. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is
14 enacted.

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

Council Bill 24-0511

AGENCY REPORTS

See attached

CITY OF BALTIMORE

BRANDON M. SCOTT
Mayor



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

April 18, 2024

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 24-0511 – Repeal of Ordinance 01-284 – Home Depot at Reisterstown Plaza Planned Unit Development

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 24-0511 for form and legal sufficiency. The bill would repeal the prior the ordinance that established the Planned Unit Development for Home Depot at Reisterstown Plaza.

A repeal of a PUD without a replacement has no legal impediment because Maryland Courts have said that for floating zones, such as a PUD, the legislative body must have “a little more than a scintilla of evidence” to support its decision to repeal, and the decision will be upheld if it is not “arbitrary, capricious or illegal.” *Rockville Crushed Stone, Inc. v. Montgomery County*, 78 Md. App. 176, 191 (1989) (citations omitted); *accord Richmarr Holly Hills v. Am. PCS, L.P.*, 117 Md. App. 607, 639 (1997); *see also Lingle v. Chevron U.S.A. Inc.*, 544 U.S. 528, 543 (2005); *MLC Auto., LLC v. Town of S. Pines*, 532 F.3d 269, 281 (4th Cir. 2008).

In 2019, the City amended its zoning laws to require the Mayor and City Council to find as follows when deciding whether to repeal a PUD:

- (1) the repeal of the planned unit development is in the public interest; and
- (2) the approved final development plan of the planned unit development:
 - (i) has been substantially completed;
 - (ii) is no longer necessary in light of the property’s underlying zoning;
 - (iii) is no longer consistent with the City's Master Plan; or
 - (iv) has been abandoned by the property owner.

City Code, Art. 32, § 13-205.


As there are no legal impediments to this bill, the Law Department can approve it for form and legal sufficiency.

Very truly yours,



Hilary Ruley
Chief Solicitor

cc: Ebony Thompson, City Solicitor
Nina Themelis, Mayor's Office of Government Relations
Elena DiPietro, Chief Solicitor, General Counsel Division
Ashlea Brown, Chief Solicitor
Michelle Toth, Assistant Solicitor

FROM	NAME & TITLE	CHRIS RYER, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #24-0511 / REPEAL OF ORDINANCE 01-284 - HOME DEPOT AT REISTERSTOWN PLAZA PLANNED UNIT DEVELOPMENT		

TO

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

DATE: May 10, 2024

At its regular meeting of May 9, 2024, the Planning Commission considered City Council Bill #24-0511, for the purpose of repealing Ordinance 01-284, which designated certain properties a Business Planned Unit Development known as Home Depot at Reisterstown Plaza; and providing for a special effective date.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended approval of City Council Bill #24-0511 and adopted the following resolutions, with eight members being present (eight in favor):

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, adopts the findings and equity analysis outlined in the staff report, with consideration for testimony and facts presented in the meeting, and recommends that City Council Bill #24-0511 be **approved** 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: Ms. Nina Themelis, Mayor's Office
 The Honorable Eric Costello, Council Rep. to Planning Commission
 Mr. Colin Tarbert, BDC
 Ms. Rebecca Witt, BMZA
 Mr. Geoffrey Veale, Zoning Administration
 Ms. Stephanie Murdock, DHCD
 Ms. Elena DiPietro, Law Dept.
 Mr. Francis Burnszynski, PABC
 Mr. Liam Davis, DOT
 Ms. Natawna Austin, Council Services



Brandon M. Scott
Mayor

PLANNING COMMISSION

Sean D. Davis, Chair; Eric Stephenson, Vice Chair

STAFF REPORT



Chris Ryer
Director

May 9, 2024

REQUEST: City Council Bill #24-0511/ Repeal of Ordinance 01-284 - Home Depot at Reisterstown Plaza Planned Unit Development:

For the purpose of repealing Ordinance 01-284, which designated certain properties a Business Planned Unit Development known as Home Depot at Reisterstown Plaza; and providing for a special effective date.

RECOMMENDATION: Approval

STAFF: Eric Tiso

PETITIONER: TRC RRP Holdings, LLC c/o Caroline L. Hecker, Esquire

OWNER: TRC RRP Holdings, LLC

SITE/GENERAL AREA

Site Conditions: This Planned Unit Development (PUD) was created for the Home Depot, and is known as 6620 Reisterstown Road. That mailing address is a part of the greater lot of 6512 Reisterstown Road, which also includes the Reisterstown Plaza Shopping Center and its outparcels. The overall shopping center is located on the south side of Reisterstown Road, between the intersections with Patterson Avenue and Brookhill Road, and generally extends southward to Vincent Lane. The Home Depot is located to the south of the shopping center, and is most directly accessed from Patterson Avenue.

General Area: The Reisterstown Road corridor consists of numerous commercial uses, which are generally zoned C-2, C-3, and C-4. Directly to the west of the site are an apartment complex and the rail line. Further to the west is a Transit Station, Wabash Avenue, the Seton Business Park and the Fallstaff neighborhood.

HISTORY

- Ordinance #01-254, Reisterstown Road Plaza Planned Unit Development, was approved on October 22, 2001.
- Ordinance #09-219, established the Reisterstown Plaza Transit Station Urban Renewal Plan, was approved on October 2, 2009.
- Ordinance #21-042 repealed the Reisterstown Plaza Transit Station Urban Renewal Area and Plan on Oct 4, 2021.

ANALYSIS

Article 32 – *Zoning* §13-205 provides for the repeal of PUDs:

“In determining whether to approve the repeal of a planned unit development, the Planning Commission and the City Council must find that:

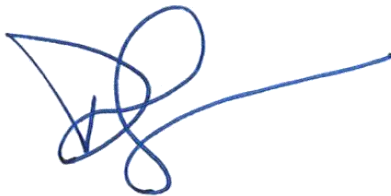
- (1) the repeal of the planned unit development is in the public interest; and
- (2) the approved final development plan of the planned unit development:
 - (i) has been substantially completed;
 - (ii) is no longer necessary in light of the property's underlying zoning;
 - (iii) is no longer consistent with the City's Master Plan; or
 - (iv) has been abandoned by the property owner.”

The PUD for this site was created for only one purpose – to solve a minor problem in the existing zoning of the property at that time. Because the underlying zoning district was B-2-1 under the prior zoning code, and because it had a provision under §6-305(c) that had a general requirement that “...business, servicing, processing, and storage uses must be located within enclosed structures.” the proposed Home Depot had a problem with their proposed outside storage area for the garden center and lumber area. For that reason, the PUD was created to authorize accessory outdoor storage for that portion of the business’ use. In today’s zoning code, accessory outdoor storage is a conditional use per § 15-510 (a)(2). Because the singular purpose for the creation of the PUD is now available in the current C-3 zoning district, the PUD is no longer necessary, and per §13-205(2)(ii) it can be repealed.

Equity:

Given that the PUD was created for a singular purpose over twenty years ago, to solve a minor zoning concern, and given that the repeal of the PUD will allow the use to continue as a lawful conditional use, there will be no evident change to the business, and therefore no visible impacts will be seen by the surrounding community. No additional staff time or resources will be devoted following the repeal of this PUD.

Notification: The Fallstaff Improvement Association, Glen Neighborhood Improvement Association, Brighton Community Association, CHAI, and the Hilltop4100 have been notified of this action.



Chris Ryer
Director



MEMORANDUM

DATE: April 19, 2024
TO: Ways and Means Committee
FROM: Colin Tarbert, President and CEO
POSITION: Favorable
SUBJECT: Council Bill 24-0511

INTRODUCTION

The Baltimore Development Corporation (BDC) is reporting on City Council Bill 24-0511 introduced by Councilmember Schleifer.

PURPOSE

Council bill 24-0511 will repeal Ordinance 01-0284 - Home Depot at Reisterstown Plaza Planned Unit Development. Council Bill 24-0511 is necessary to restore the zoning on this site to current standards. Passage of the bill will help to facilitate more uses and help create a better shopping experience for the neighborhood.

BRIEF HISTORY

The Home Depot at Reisterstown Plaza PUD was passed in 2001. At the time the PUD was necessary to allow for uses that the prior zoning code restricted, such as outdoor storage. A second PUD was also created on an adjacent parcel to create a use normally restricted by zoning. Since this PUD was created over 20 years ago, the City underwent a comprehensive rezoning process, which modified the underlying zoning and allowable uses for the property such that the PUD is now obsolete.

FISCAL IMPACT [to BDC]

None.

AGENCY POSITION

The Baltimore Development Corporation respectfully submits a **favorable** report on City Council Bill 24-0511. If you have any questions, please contact Kim Clark at 410-837-9305 or KClark@baltimoredevelopment.com.

cc: Nina Themelis, Mayor's Office of Government Relations
Sophia Gebrehiwot, Mayor's Office of Government Relations

[DG]



CITY OF BALTIMORE
MAYOR BRANDON M. SCOTT

TO	The Honorable President and Members of the Baltimore City Council
FROM	Corren Johnson, Director – Department of Transportation
DATE	May 10, 2024
SUBJECT	24-0511 Repeal of Ordinance 01-284 - Home Depot at Reisterstown Plaza Planned Unit Development

Position: No Objection

Introduction

Repeal of Ordinance 01-284 - Home Depot at Reisterstown Plaza Planned Unit Development For the purpose of repealing Ordinance 01-284, which designated certain properties a Business Planned Unit Development known as Home Depot at Reisterstown Plaza; and providing for a special effective date.

DOT Analysis

Council Bill 24-0511 would repeal the planned unit development originally put in place to aid in the establishment of a Home Depot store at Reisterstown Plaza. Planned unit developments are typically repealed once they are no longer needed and/or have fulfilled their purpose.

Conclusion

The Department foresees no impact and therefore has no objection to the advancement of Council Bill 24-0511.

Council Bill 24-0511

ADDITIONAL DOCUMENTS

See attached

**Baltimore City Council
Certificate of Posting - Public Hearing Notice**

Today's Date: [7/08/2024]

City Council Bill No.: 24-0511



(Place a picture of the posted sign in the space below.)

Address: Reisterstown Road Plaza Home Depot Frontage

Date Posted: July 6, 2024

Name: Martin Ogle

Address: 9912 Maidbrook Road Parkville Md, 21234

Telephone: 443-629-3411

-
- 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

Maryland The Daily Record
200 St. Paul Place
Baltimore, MD, 21202
Phone: 4435248100

MARYLAND
THE DAILY RECORD

Affidavit of Publication

To: Rosenberg, Martin, Greenberg, LLP - Caroline L. Hecker
25 S Charles St, Fl 21
Baltimore, MD, 21201

Re: Legal Notice 2631584,
PUBLIC HEARING ON BILL NO. 24-0511

We hereby certify that the annexed advertisement was published in Maryland The Daily Record, a Daily newspaper published in the State of Maryland 1 time(s) on the following date(s): 07/16/2024

By



Joy Hough
Authorized Designee of the Publisher

Baltimore City

**BALTIMORE CITY COUNCIL
PUBLIC HEARING ON BILL NO. 24-0511**

The Ways and Means Committee of the Baltimore City Council will conduct a public hearing on City Council Bill No. 24-0511 on August 6, 2024 at 10:00 A.M. in the Clarence "Dix" Burns Chamber, City Hall, 100 N. Holliday Street, 4th Floor, Baltimore, MD 21202. Information on how the public can participate in the hearing virtually, via Webex, will be available at <https://baltimore.legistar.com/Calendar.aspx>.

Repeal of Ordinance 01-0284 - Home Depot at Reisterstown Plaza Planned Unit Reclamation

For the purpose of repealing Ordinance 01-0284, which designated certain properties a Business Planned Unit Development known as Home Depot at Reisterstown Plaza, and providing for a special effective date.

BY repealing

Ordinance 01-0284

Applicant: TRC RRP Holdings, LLC

For more information, contact Committee Staff at (443) 984-3495.

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

Eric T. Costello
Chair

lv16 2631584