

FINDINGS OF FACT

To: The Mayor and City Council of Baltimore
From: AB Associates, on behalf of 3200 Lily Street LLC
Date: Feb. 6, 2025
Re: CCB25-023, to rezone 3200 Lily Avenue from R-4 to I-1

On February 10, 2024, at the request of 3200 Lily Street LLC and the entity's operator John Lowry, District 10 Councilmember Phylicia Porter introduced legislation to rezone 3200 Lily Avenue from R-4 to I-1. 3200 Lily Avenue is a triangular parcel on the south side of Patapsco Avenue, halfway between Route 295 and the Light Rail tracks in the Cherry Hill neighborhood. The property is improved by a 34-bay mini-warehouse that Lowry leases to city residents and small businesses for overflow storage.

3200 Lily Street LLC has no development plan for the property. A rezoning is being pursued solely to align the property's longstanding use with a zoning district that allows for the use to continue. At present, the property's use as a mini-warehouse is non-conforming in the R-4 zoning district. The use is permitted in I-1 zones.

1. Map Amendments & Required Findings of Fact

As required by the State Land Use Article, the City Council may approve the legislative authorization for a rezoning 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 zoning classification.

Lowry proffers that a mistake was made with regard to this property during the comprehensive rezoning process known as Transform Baltimore. Prior to Transform, 3200 Lily Avenue was zoned M-1-1. Storage facilities such as this one were permitted in M-1-1 zones. The property was part of an extensive M-1-1 zoning district that stretched westbound from 3200 Lily Avenue and also across Patapsco Avenue, up to the B&O Railroad tracks.

Transform kept much of that industrial zoning in place, but the new map rezoned 3200 Lily Avenue to R-4, likely in an effort to align the residential zoning with the other properties on Lily Avenue, each improved by single-family homes. (Those homes are zoned R-3.) A quick look at a Zoning map shows that 3200 Lily Avenue is the only non-residential property in the area to be caught within a residential zone.

Because the property's use has not changed, and the property's present conditions make it nearly impossible to use the land for residential purposes without Lowry taking on a significant expense, Lowry proposes to rezone the land to I-1. This rezoning would align with Transform's goal to eliminate as many non-conforming uses as possible throughout the city.

2. Additional Standards

In addition to the necessary findings of fact outlined in § 5-508(b)(2), the Zoning Code requires that the City Council consider the following additional standards for a rezoning of city land.

1. Existing uses of the property within the general area of the property in general.

The east side of Lily Avenue is residential in nature, improved by single-family homes. In the industrially zoned portion of the general area, the properties adhere to traditional industrial uses: building supply warehouses; retail goods establishments; storage facilities; shopping centers; and headquarters for industrial businesses.

2. The zoning classification of other property within the general area of the property in question.

Lily Avenue is residentially zoned, but the rest of the area in this part of Cherry Hill is zoned I-1.

3. The suitability of the property in question for the uses permitted under its existing classification.

The existing zoning does not allow for the property's longstanding and current use. A rezoning will allow for the property owner to continue the quiet enjoyment and use of his property as a mini-warehouse, as has been the case since the 1980s. The property owner does not intend to improve or otherwise modify the building, or change its use.

4. 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.

This portion of Cherry Hill was largely developed for industrial use by 2017 and as such has not seen many changes since the property in question was placed in its present zoning classification.

3. Summary & Conclusion

The applicant would like to rezone 3200 Lily Avenue so that a Use & Occupancy permit may be obtained to continue the longstanding use of the property as a mini-warehouse. The rezoning will align the property with its previous zoning prior to Transform Baltimore and is appropriate for the area. Aside from a few residential properties on Lily Avenue, the rest of this part of Cherry Hill is zoned I-1.

LAND USE & TRANSPORTATION COMMITTEE

FINDINGS OF FACT

City Council Bill No: 25-0023

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:

Rezoning – 3200 Lily Avenue

Upon finding as follows with regard to:

- (1) Population changes;
 - a. The area has seen an increase in population between the 2010 & 2020 censuses of 339 persons.
- (2) The availability of public facilities;
 - a. The area is well served by public facilities.
- (3) Present and future transportation patterns;
 - a. This change should not impact the traffic patterns
- (4) Compatibility with existing and proposed development for the area;
 - a. This change would not be in conflict as there is not currently any other plans for the area
- (5) The recommendations of the City agencies and officials, including the Baltimore City Planning Commission and the Board of Municipal and Zoning Appeals;

City Solicitor	Approved for form & sufficiency
Dept. of Housing & Community Development	Favorable
Dept of Finance	Defers to planning
Dept of Planning/ Planning Commission	Favorable
Baltimore Development Corporation	Favorable

- (6) The proposed amendment's relationship to and consistency with the City's Comprehensive Master Plan.
 - a. This rezoning will not impact any relevant or currently proposed plan.
- (7) Existing uses of property within the general area of the property in question;
 - a. The area around the property currently includes industrial, commercial, and open space
- (8) The zoning classification of other property within the general area of the property in question;
 - a. The surrounding areas are zoned R-4, & I-1
- (9) The suitability of the property in question for the uses permitted under its existing zoning classification;
 - a. This zoning district is consistent with the use of the property for industrial use for the last several decades.
- (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;
 - a. This portion of Cherry Hill has been developed for industrial use and has not seen any significant changes since the most recent comprehensive rezoning.
- (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:
 - a. Lowry proffers that a mistake was made with regard to this property during the comprehensive rezoning process known as Transform Baltimore. Prior to Transform, 3200 Lily Avenue was zoned M-1-1. Storage facilities such as this one were permitted in M-1-1 zones. The property was part of an extensive M-1-1 zoning district that stretched westbound from 3200 Lily Avenue and also across Patapsco Avenue, up to the B&O Railroad tracks.

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SOURCE OF FINDINGS (Check all that apply):

[X] Planning Report – Planning Commission’s report, dated March 17, 2025

[X] Testimony presented at the Committee hearing.

[X] Findings of Applicant – adopted by committee on April 24, 2025

Oral – Witness:

- Jason Wright - Department of Housing and Community Development
- Gabe Stuart-Sikowitz – Department of Finance
- Ty’lor Schnella – Mayor’s Office of Government Relations
- Eric Tiso - Department of Planning
- Michelle Toth – Department of Law
- Tom Wellington – Baltimore Development Corporation

Written:

- Planning Department Staff Report – Dated March 13, 2025
- Baltimore Development Corporation Report – Dated February 18, 2025
- Department of Finance – April 8, 2025
- Law Department, Agency Report – Dated April 8, 2025
- Department of Housing and Community Development, Agency Report – Dated March 21, 2025

COMMITTEE MEMBERS VOTING IN FAVOR

Ryan Dorsey, - Chair

Phylicia Porter

Paris Gray

John Bullock