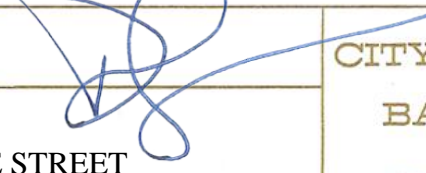



|      |                       |  |   |   |  |
|------|-----------------------|--|---|---|--|
| FROM | NAME & TITLE          | CHRIS RYER, DIRECTOR   |  | CITY of<br>BALTIMORE<br><br><b>MEMO</b> |  |
|      | AGENCY NAME & ADDRESS | DEPARTMENT OF PLANNING<br>8 <sup>TH</sup> FLOOR, 417 EAST FAYETTE STREET     |   |   |  |
|      | SUBJECT               | CITY COUNCIL BILL #25-0017 / REZONING –<br>3439-3549 KESWICK ROAD – ODD SIDE |   |   |  |

TO

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

DATE: February 28, 2025

At its regular meeting of February 27, 2025, the Planning Commission considered City Council Bill #25-0017, for the purpose of changing the zoning for the properties known as 3439-3549 on the odd side of Keswick Road (Block and Lot numbers listed below), as outlined in red on the accompanying plat, from the C-1 Zoning District to the R-7 Zoning District; and providing for a special effective date.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended amendment and approval of City Council Bill #25-0017 and adopted the following resolution, with six members being present (five in favor):

**RESOLVED**, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #25-0017 be **amended and 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 John Bullock, Council Rep. to Planning Commission  
Ms. Rebecca Witt, BMZA  
Mr. Geoffrey Veale, Zoning Administration  
Ms. Stephanie Murdock, DHCD  
Ms. Hilary Ruley, Law Dept.  
Mr. Francis Burnszynski, PABC  
Mr. Luciano Diaz, DOT  
Ms. Nancy Mead, Council Services



Brandon M. Scott  
Mayor

## PLANNING COMMISSION

*Jon Laria, Chair; Eric Stephenson, Vice Chair*

### STAFF REPORT



Chris Ryer  
Director

**February 27, 2025**

**REQUEST:** City Council Bill #25-0017/ Rezoning – 3439-3539 Keswick Road – Odd Side: For the purpose of changing the zoning for the properties known as 3439-3549 on the odd side of Keswick Road (Block and Lot numbers listed below), as outlined in red on the accompanying plat, from the C-1 Zoning District to the R-7 Zoning District; and providing for a special effective date.

**RECOMMENDATION:** Adopt findings and approve with the following amendment:

- That the rezoning language exclude all property owned by First Free M E Church, primary address 3439 Keswick Road.

**STAFF:** Brandon Kanoy

**PETITIONER:** Councilmember Odette Ramos

**OWNER:** Various

#### **SITE/GENERAL AREA**

Site Conditions: These properties are located on the east side of Keswick Road, generally located between the intersection with Bunnecke Avenue on the south, and to within 35'4" of the intersection with West 36th Street on the north. The block is predominantly developed as residential uses with two-story rowhouses. Most structures in this block were constructed before 1910, before this area was within the corporate limits of Baltimore City. Many of the homes in the southern portion of the area to be rezoned were damaged or destroyed by a fire in October 2024. Both the church and the northern homes were generally undamaged by this event.

General Area: The properties together contain approximately 70,500 sqft of land, located generally west of Johns Hopkins University and Wyman Park. Many of the structures in the surrounding area were constructed before this area was annexed by the City. It is well connected to nearby parks such as Wyman Park and Druid Hill Park. I-83 is the nearest interstate connection, and the property is well-served by the existing transportation network. The current neighborhood supports a vibrant mix of pedestrian-scale residential and commercial development.

#### **HISTORY**

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

## ZONING CODE REQUIREMENTS

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.

## ANALYSIS

**Background:** Many of the houses in this block caught fire in October. While Rowhouses are permitted by-right in the existing zoning, a change of zoning district will allow the neighborhood to better preserve the existing mix of uses in the area. The surrounding area includes pedestrian-scale residential and commercial developments. This change of zoning district will better allow the neighborhood to maintain the current scale of uses.

**Approval Standards:** Article 32 – *Zoning*, § 5-508 {Approval standards} reflects provisions of the MD Land Use Code §§ 10-304 and 10-305. The findings required of the Mayor and City Council for piecemeal rezonings are detailed in § 10-304 *Zoning Regulations – Amendment, Repeal, and Reclassification*. The required findings of the Planning Commission and the Board of Municipal and Zoning Appeals (BMZA or Board) for general changes are found in § 10-305 *Changes to Boundaries of Districts or Zones*.

Since most of the rezonings considered by the Mayor and City Council have been in the form of piecemeal rezoning requests, § 5-508(b)(1) requires findings frequently referred to as “the substantial change or mistake” rule. That local zoning code provision maps to MD Land Use Code § 10-304 (2024) for piecemeal rezoning.

In this case, since the proposed rezoning is for a grouping of properties along most of a block range, it qualifies as a comprehensive rezoning, provided it can meet the definition for comprehensive rezoning in which case the substantial change or mistake rule of piecemeal rezonings is not required.

Article 32 – *Zoning* defines Comprehensive rezoning as follows:

**§ 1-304. "Chimney" to "Day-care center: Child".**

...

(m) *Comprehensive rezoning.*

"Comprehensive rezoning" means an ordinance that is:

- (1) initiated by City government to modify the zoning classifications of multiple properties;
- (2) based on considerations concerning the common needs of a substantial geographic area, involving a considerable number of properties;
- (3) designed to control and direct the use of land and structures according to present and planned future conditions; and
- (4) the product of:
  - (i) careful consideration and extensive study by the Planning Department; and
  - (ii) review by the Planning Commission.

Staff believes that this proposal meets these requirements, and that the Planning Commission can find that this is a comprehensive rezoning.

**Maryland Land Use Code – Requirements for Rezoning:**

The Land Use Article of the Maryland Code requires the Planning Commission and the Board of Municipal and Zoning Appeals (BMZA) 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 § 10-305 (2024)). In reviewing this request, the staff finds that:

- 1. The Plan:** The 2024 Comprehensive Master Plan for the City of Baltimore includes an adopted Land Use Plan categorizes almost all of these properties as *Residential: Medium Density*, which aligns with the requested R-7 zoning. 3429 Keswick Road is categorized as *Mixed-Use: Predominantly Pedestrian-Oriented Commercial*, which aligns with the existing C-1 zoning.
- 2. The needs of Baltimore City:** This small assemblage of property is expected to remain largely as-is, and so will not have any significant impact to the City as a whole.
- 3. The needs of the particular neighborhood:** The rezoning of most of these properties will better align the area with the zoning code, as well as the recently adopted land use map.

Similarly, the Land Use article, also adopted by Article 32 – *Zoning* §5-508(b)(2), requires the City Council to make findings of fact (MD Land Use Code § 10-304 (2024)). The findings of fact include:

1. **Population changes;** Between the 2010 Census (3,586 residents) and the 2020 Census (3,770), the neighborhood statistical area (Census Tract 1306) gained approximately 184 residents (Source 2010 and 2020 DEC Redistricting Data (PL 94-171)).
2. **The availability of public facilities;** The area is well served by public facilities and infrastructure, which will not be impacted by the proposed rezoning.
3. **Present and future transportation patterns;** The rezoning of these properties will not be significant enough to impact local traffic or overall transportation patterns.
4. **Compatibility with existing and proposed development for the area;** A change in zoning district will bring the existing uses into alignment with the zoning for other residential uses in the area.
5. **The recommendations of the Planning Commission and the Board of Municipal and Zoning Appeals (BMZA);** For the above reasons, the Planning Department recommends amendment and approval 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.** This change will align the area with the adopted Land Use Plan.

There are additional standards under Article 32 – *Zoning* §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 general area of the property in question is largely developed for residential use.
- (ii) **the zoning classification of other property within the general area of the property in question;** The subject properties are currently zoned C-1, though almost all residential properties in the area are currently zoned R-6 or R-7.
- (iii) **the suitability of the property in question for the uses permitted under its existing zoning classification; and** Staff notes that Places of Worship are permitted by-right in both C-1 and R-7 zoning. However, given that Places of Worship generally require unique building layouts and site considerations, we find it prudent to maintain more flexible options for the future, as they are not easily converted to purely residential use. The existing C-1 zoning for the church provides flexibility in future use, and C-1 does not require off-street parking. The church building appears to generally comply with the bulk standards of the C-1 zone. Rezoning to R-7 would make this property nonconforming with regard to bulk requirements (required front yard, both interior side yards) as well as required parking.
- (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.** Planning is not aware of any significant change in the development patterns in the immediate area.

**Recommendation:** The existing uses in the area generally align with the proposed change from C-1 to R-7. Planning Staff is supportive of the proposal, with the one exception that the property located at 3439 Keswick Road, currently developed as a church, that should remain zoned C-1. Rezoning all but this property would match the recently adopted Land Use Plan as part of The 2024 Comprehensive Master Plan for the City of Baltimore.

Equity:

This project will bring the existing structures into conformance with the adopted Land Use Plan, and therefore remove barriers for residents to continue to use their neighborhood as designed. A change of zoning designation from C-1 to R-7 does still allow property owners to conduct home occupations at an appropriate scale for the surrounding area.

Notification: The Hampden Community Council, and the current property owners, have been notified of this action.

A handwritten signature in blue ink, consisting of a stylized, cursive 'C' followed by a long horizontal line extending to the right.

**Chris Ryer**  
**Director**