

ECONOMIC AND COMMUNITY DEVELOPMENT COMMITTEE

FINDINGS OF FACT

City Council Bill No: 21-0166

MOTION OF THE CHAIR OF THE ECONOMIC AND COMMUNITY DEVELOPMENT 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:

Rezoning - Block 3635, Lot 055

Upon finding as follows with regard to:

(1) Population changes;

The overall population change in the Charles Village neighborhood has decreased by 2%, which is more modest than the City's overall population loss of approximately 6%.

(2) The availability of public facilities;

This neighborhood is well served by public facilities, which has not changed in the past decade.

(3) Present and future transportation patterns;

There have been no significant changes to the transportation patterns in the immediate area.

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

The existing C-4 designation for the Mace Street parcel does not make sense, as it is surrounded on the west and south by a C-1 Neighborhood Business District, and on the north and east by an OR-2 Office-Residential District. The C-4 zoning is not appropriate in this context, and is likely impractical for these properties. Designation as C-1 would be more appropriate, as it would allow for a more compatible range of uses, and a similar scale of development potential.

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

The Planning Commission voted unanimously to recommend passage of the bill and the BMZA also recommended passage of the bill. The City agencies to which the bill was referred made the following recommendations:

Planning Commission	Favorable
Board of Municipal and Zoning Appeals	Defers to Planning
Department of Transportation	No Objection
City Solicitor	Favorable with Comments
Department of Housing and Community Development	Favorable
Baltimore Development Corporation	Favorable
Parking Authority	Not Opposed

- (6) The proposed amendment's relationship to and consistency with the City's Comprehensive Master Plan.

In the exhibit of the Planning Department's report, staff illustrates the chain of events through the Comprehensive Rezoning process, and how the Mace Street parcels came to be designated C-4 in error, and how they should've been designated C-1 at that time.

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

Looking at the greater block surrounding the subject properties, there are predominantly commercial uses on the West 25th Street block, a mix of commercial and residential uses on North Howard Street, surface parking lots on West 26th Street, and rowhomes on Maryland Avenue. Mace Street is an alley street, half of which is surface parking, and the rest are the rears of properties fronting on surrounding streets.

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

The properties to the north and east are zoned OR-2, and the properties to the west and south are zoned C-1. Rezoning the Mace Street properties to C-1 would be compatible with the surrounding zoning classifications.

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

The Mace Street properties are not large enough for most applications in a C-4 District, but would be more practically developable in a C-1 zone. The mix of uses and scale of development allowed under C-1 would be more compatible with the surrounding zones and existing development.

- (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;

During the early phases of the Comprehensive Rezoning process, the auto-oriented uses of 2507 North Howard Street were shifting away from this block, and consolidating to the south at the time that the initial zoning map was being developed. As a result of the multi-year process, it was determined that while 2507 North Howard Street and the Mace Street properties were initially proposed C-4, that they should instead be zoned C-1. At the same time, 2520 North Howard Street (also previously used as an auto body shop) should go from the initially assigned C-3 to C-4 since that would better match the building type on the property. When 2507 North Howard Street was changed to C-1 zoning, the Mace Street properties were missed, though they were in the same zoning node.

- (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:

In the process of the Comprehensive Rezoning process, properties in the 2500-block of North Howard and Mace Streets were considered for C-4 Heavy Commercial use, and there is evidence in the record that shows there was consideration for whether these properties would need C-4 zoning, or whether an alternate assignment would be more appropriate. The public process for the Comprehensive Rezoning process spanned from 2012 to 2016. The initial staff reviews of what would be a new draft zoning code and maps started as early as 2010. One of the challenges for this block at that time was that in 2010, the collection of Anderson auto sales, service center, and collision services were moving around to other buildings in the immediate area. It wasn't particularly clear at that time what the demand for heavy commercial use would be in this block. The 25th Street Station Planned Unit Development (PUD) was enacted in November 2010 one block to the south, which would allow for the development of new heavy commercial uses, though it would not come to fruition. When the new zoning code became

effective in 2017, the two Mace Street parking lot parcels were designated C-4 in error, while 2507 North Howard Street was designated C-1. Staff does not think that there is any need for two parking lot parcels on an alley street to have been designated for heavy commercial zoning, and that this designation appears to be the result of an administrative mistake.

SOURCE OF FINDINGS (Check all that apply):

[X] Planning Report – Planning Commission’s report, dated November 19, 2021, which included the Department of Planning Staff Report, dated November 18, 2021.

[X] Testimony presented at the Committee hearing

Oral – Witness:

- Tamara Wood, Planning Department
- Elena DiPietro, Law Department
- Justin Williams, Representative for the Applicant
- Nina Themelis, Board of Municipal Zoning Appeals

Written:

- Planning Commission Report – Dated November 19, 2021 and Planning Department Staff Report – Dated November 18, 2021
- Department of Transportation, Agency Report – Dated February 16, 2022
- Board of Municipal and Zoning Appeals, Agency Report – Dated October 21, 2021
- Law Department, Agency Report – Dated March 4, 2022
- Department of Housing and Community Development, Agency Report – Dated February 23, 2022
- Baltimore Development Corporation, Agency Report – Dated January 26, 2022
- Parking Authority, Agency Report – Dated November 15, 2021

COMMITTEE MEMBERS VOTING IN FAVOR

Sharon Green Middleton, Chair
John Bullock
Mark Conway
Ryan Dorsey
Antonio Glover
Odette Ramos
Robert Stokes