


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 #23-0410 / REZONING – 6311 EASTERN AVENUE		

TO

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

DATE: September 1, 2023

At its regular meeting of August 31, 2023, the Planning Commission considered City Council Bill #23-0410, for the purpose of changing the zoning for the property known as 6311 Eastern Avenue (Block 6699, Lot 002A), as outlined in red on the accompanying plat, from the I-2 Zoning District to the C-2 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended approval of City Council Bill #23-0410 and adopted the following resolution, with eight members being present (seven in favor, one abstained):

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 #23-0410 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
Ms. Drew Tildon, Esq.



Brandon M. Scott
Mayor

PLANNING COMMISSION

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

STAFF REPORT



Chris Ryer
Director

August 31, 2023

REQUEST: City Council Bill #23-0410/ Rezoning – 6311 Eastern Avenue:

For the purpose of changing the zoning for the property known as 6311 Eastern Avenue (Block 6699, Lot 002A), as outlined in red on the accompanying plat, from the I-2 Zoning District to the C-2 Zoning District.

RECOMMENDATION: Adopt findings and Approve

STAFF: Eric Tiso

PETITIONER: Two Farms, Inc. c/o Caroline L. Hecker, Esq.

OWNER: Two Farms, Inc.

SITE/GENERAL AREA

Site Conditions: 6311 Eastern Avenue is located on the southeastern corner of the intersection with Imla Street. This property is currently zoned I-2 Industrial, contains 0.773 ± acres of land, and is improved by a former Royal Farms convenience store and gas station.

General Area: This property is located in the southern arm of the Pulaski Industrial Area, south of the Bayview residential neighborhood on the northern side of Eastern Avenue. To the rear of the property is a Home Depot store. Immediately to the east across the Home Depot entry roadway is a Wendy's fast food restaurant. A variety of commercial establishments are located on the north side of Eastern Avenue in this block.

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:

The proposed rezoning from I-2 industrial to C-2 commercial is for this site that was previously used as a Royal Farms convenience store and gas station. Staff understands that the future redevelopment for the property is for an auto parts retail store.

Required Findings:

Per §5-508(b)(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. The applicant has provided a zoning analysis and proposed findings of fact based on a mistake. Staff concurs with that analysis.

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 Code, Land Use § 10-305 (2023)). In reviewing this request, the staff finds that:

- 1. The Plan:** There are no specific plans that call for the retention of industrial zoning in this area. While Planning typically prefers to retain existing nodes of industrial zoning and compact districts where they exist, the change of zoning of this specific parcel would not any particular loss of industrial potential.
- 2. The needs of Baltimore City:** Staff believes that the potential for industrial re-use of this property that has previously been commercial in nature, along with the current proposal for reuse as a different commercial use, to better provide for the needs of the City by providing new commercial development.

- 3. The needs of the particular neighborhood:** As it's unlikely that an industrial user would want this parcel, given its small size, and given its adjacency to the C-2 commercial node, the neighborhood would be better served by this property continuing in commercial use.

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 Code, Land Use § 10-304 (2023)). The findings of fact include:

- 1. Population changes;** There haven't been significant changes in residential density that would impact this particular rezoning proposal.
- 2. The availability of public facilities;** This area is well served by public infrastructure, which will be sufficient to support future commercial redevelopment.
- 3. Present and future transportation patterns;** The proposed rezoning, and anticipated redevelopment of the site will not have any significant impact on transportation patterns in the immediate neighborhood.
- 4. Compatibility with existing and proposed development for the area;** Commercial zoning for this parcel will complement the existing C-2 commercial node along Eastern Avenue. Further, the loss of the existing I-2 zoning will not create any negative impacts, as staff believes the site by itself is too small for practical industrial uses.
- 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 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.** There are no particular provisions of any formally adopted plan that would call for retaining industrial use for this parcel.

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;** Adjacent uses to the east along Eastern Avenue include a fast-food restaurant, an auto dealership, and a sit-down restaurant. To the rear of this property is a Home Depot. To the west along Eastern Avenue is a metal products distributor. Across Eastern Avenue to the north is a 7-Eleven convenience store and other retail businesses, with a residential neighborhood to the northwest.
- (ii) the zoning classification of other property within the general area of the property in question;** The Home Depot to the south and the metal products distributor to the west are zoned I-2. Businesses on both sides of Eastern Avenue to the east of this site are C-2 commercial. The residential neighborhood to the north of Eastern Avenue is zoned R-7 residential. A small commercial strip of C-1 and C-2 is located to the west on both sides of Eastern Avenue about a block away.

- (iii) **the suitability of the property in question for the uses permitted under its existing zoning classification; and** This site is approximately 0.77 ± acres in size, which is not large enough to be practically useful for modern industrial uses. The prior use of the property (Royal Farms) as a *Retail Goods Establishment (No Alcoholic Beverages Sales)* would be a nonconforming use in the I-2 district (which would also prevent the proposed use as an auto parts retailer), while *Fuel Stations* are a lawful conditional use.
- (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.** There have not been any significant changes to the Eastern Avenue corridor within a few blocks in either direction.

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 in the public's interest, in that it will allow for commercial redevelopment of this lot, and will not require finding a limited industrial user that can operate within the relatively small size of the existing lot.

Equity:

Staff does not believe that there are any particular impacts to equity as a result of this rezoning, or the potential future uses for the property. There has been successful outreach to the Bayview Community Association, which has provided a letter of support.

Notification: Bayview Community Association has been notified of this action.

For/ *Chris Ryer*

Chris Ryer
Director