

# ECONOMIC AND COMMUNITY DEVELOPMENT COMMITTEE

## FINDINGS OF FACT

### City Council Bill No: 23-0410

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:

### Rezoning – 6311 Eastern Avenue

Upon finding as follows with regard to:

(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 City agencies and officials, including the Baltimore City Planning Commission and the Board of Municipal and Zoning Appeals;

Planning Commission	Favorable
Board of Municipal and Zoning Appeals	Defers to Planning
Department of Transportation	No Objection
City Solicitor	Approve for form and sufficiency
Department of Housing and Community Development	No Objection
Baltimore Development Corporation	Favorable
Parking Authority	No Objection

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

There are no particular provisions of any formally adopted plan that would call for retaining industrial use for this parcel.

- (7) Existing uses of property within the general area of the property in question;  
 Site is currently zoned I-2 and was used as a gas station/convenience store

- (8) 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.

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

This site is approximately 0.77 ± acres in size, which is not large enough to 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.

- (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;

There have not been any significant changes to the Eastern Avenue corridor within a few blocks in either direction.

- (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:

The applicant has provided a zoning analysis and proposed findings of fact based on a mistake. Planning Department staff concurs with that analysis.

SOURCE OF FINDINGS (Check all that apply):

[X] Planning Report – Planning Commission’s report, dated August 31, 2023.

[X] Testimony presented at the Committee hearing.

Oral – Witness:

- Jeff Hochstetler – City Law Department
- Eric Tiso – Planning Commission
- Dominic McAlily – Mayor’s Office of Government Relations
- Stephanie Murdock – Department of Housing and Community Development
- Alex Wiscos – Baltimore Development Corporation
- Arco Sen -Parking Authority

Written:

- Planning Commission Report – Dated 08/31/2023
- Department of Transportation, Agency Report – Dated 11/27/2023
- Board of Municipal and Zoning Appeals, Agency Report – Dated 07/20/2023
- Law Department, Agency Report – Dated 10/10/2023
- Department of Housing and Community Development, Agency Report – Dated 11/11/2023
- Parking Authority, Agency Report – Dated 08/09/2023

**COMMITTEE MEMBERS VOTING IN FAVOR**

Sharon Green Middleton, Chair  
John Bullock  
Mark Conway  
Odette Ramos  
Robert Stokes