

FROM	NAME & TITLE	THOMAS J. STOSUR, ^{TJS} DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #17-0032 / REZONING 5717 & 5723 HARFORD ROAD		

TO

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

DATE: April 19, 2017

At its regular meeting of April 13, 2017, the Planning Commission considered City Council Bill #17-0032, for the purpose of changing the zoning for the properties known as 5717 & 5723 Harford Road, from the R-4 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 #17-0032 and adopted the following resolution eight members being present (eight in favor).

RESOLVED, That the Planning Commission did not concur with the recommendation of its departmental staff for an alternate designation, and recommends that City Council Bill #17-0032 be passed by the City Council as written.

If you have any questions, please contact Mr. Wolde Ararsa, Division Chief, Land Use and Urban Design Division at 410-396-4488.

TJS/WA

Attachment

cc: Mr. Pete Hammen, Chief Operating Officer
Mr. Jim Smith, Chief of Strategic Alliances
Ms. Karen Stokes, Mayor's Office
Mr. Colin Tarbert, Mayor's Office
Mr. Kyron Banks, Mayor's Office
The Honorable Edward Reisinger, Council Rep. to Planning Commission
Mr. David Tanner, BMZA
Mr. Geoffrey Veale, Zoning Administration
Ms. Sharon Daboin, DHCD
Mr. Patrick Fleming, DOT
Ms. Elena DiPietro, Law Dept.
Ms. Natawna Austin, Council Services
Mr. Francis Burnszynski, PABC
Ms. Caroline Hecker, Attorney for Applicant



Catherine E. Pugh
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



Thomas J. Stosur
Director

April 13, 2017

REQUEST: City Council Bill #17-0032/ Rezoning – 5717 and 5723 Harford Road:

For the purpose of changing the zoning for the properties known as 5717 and 5723 Harford Road, as outlined in red on the accompanying plat, from the R-4 Zoning District to the C-2 Zoning District; and providing for a special effective date.

RECOMMENDATION: Amend and Approve

STAFF: Eric Tiso

PETITIONER: Property Consulting, Inc., c/o Caroline L. Hecker, Esq.

OWNERS: Linda Chatfield and Ralph Murray

SITE/GENERAL AREA

Site Conditions: 5717 and 5723 Harford Road are located on the southern corner of the intersection with White Avenue. 5717 Harford Road measures approximately 324'3 1/2" in depth, by 54'11 3/4" in width. 5723 Harford Road measures approximately 324'3 1/4" in depth, by 59'11 3/4" in width. Both lots are currently improved with single-family detached homes. These lots are split-zoned, with B-2-2 commercial zoning in the front, to include the homes, and are R-4 residentially zoned in the rear, to include detached garages.

General Area: These properties are located on the western edge of the Glenham-Belhar neighborhood, with the Hamilton Hills neighborhood located to the west across Harford Road. The Glenham-Belhar neighborhood is principally residential in nature, mostly consisting of single-family detached homes, aside from the commercial corridor of Harford Road.

HISTORY

- These properties are to be zoned R-4 residential by TransForm Baltimore, in the comprehensive rezoning of the City, scheduled to become effective on June 5, 2017.

ANALYSIS

Background: Prior to TransForm Baltimore these properties were split zoned with B-2-2 for the first approximately 150' and R-4 for the remainder of the property. One of the goals of the new code was to reduce the number of split zone properties where possible.

When TransForm Baltimore was initially proposed, these properties were recommended for R-3 residential zoning over their entirety by Planning, as they were being used residentially, and that designation more closely matched the existing residential density of the homes to the southeast, off of Harford Road. As part of the public reviews and hearings on the bill, the recommended

zoning was changed to R-4 residential by the then-Councilman for the district, which would allow for a slight increase in residential density potential, but that R-4 zoning was designated for these two properties in isolation, between the C-2 Harford Road corridor and the R-3 neighborhood.

Below is the staff's review of the required considerations of §16-305 of the Zoning Code, and our finding that the proposed change from R-4 to C-2 for these properties is not in the public's interest, given the considerations of §16-305(c) in the Zoning Code:

- (c) The Board and the Planning Commission must also consider the following matters:
 - (1) existing uses of property within the general area of the property in question;
 - (2) the zoning classification of other property within the general area of the property in question;
 - (3) the suitability of the property in question for the uses permitted under its existing zoning classification; and
 - (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.

Upon reviewing these properties and the context staff believes recommending the entire properties having residential zoning was a mistake and is inconsistent with the commercial corridor. Staff believes that maintaining the commercial zoning along the Harford Road is more consistent with overall community, but we have concerns about the commercial zoning going the entire depth of the property. Entirely commercial zoning would increase the impacts of commercial use from the Harford Road corridor on residentially zoned property on the intersecting streets immediately adjacent to the commercial corridor. While the existing use of the properties has been for two single-family dwelling units, given the nature of the commercial corridor we believe the R-4 district does not provide the appropriate density or range of uses on the corridor portion of the properties.

R-4 zoning will allow for about seven dwelling units on the combined property in a redevelopment project, where the requested C-2 district would permit a maximum of 165 dwelling units. The maximum heights permitted in the R-4 would be 35', versus a building of up to 60' in height by right in C-2, with the potential for 100' in height approvable by conditional use. For these reasons, the requested change in zoning is significant in its potential to negatively affect the adjacent neighborhood.

Maryland Land Use Code – Requirements for Rezoning:

The Maryland Land Use Code requires the Planning Commission 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 Ann. 2012, §10-305). In reviewing this request, the staff finds that:

1. **The Plan:** The potential zoning for these properties was debated as part of the comprehensive rezoning of the City, and was perhaps influenced by a prior owner, who had a specific development concept in mind. Stepping back and looking at these

properties and their surrounding context shows that the requested C-2 will be a step too far.

2. **The needs of Baltimore City:** A major concept behind zoning is to encourage commercial uses to gather in nodes and districts suitable for their use. Harford Road is just such a commercial corridor, but it threads through residential neighborhoods that seek stability.
3. **The needs of the particular neighborhood:** These lots are located along a commercial corridor, though they have not had a history of intense commercial use. At the same time, these properties are adjacent to a residential neighborhood that requires consideration for the potential impacts intense commercial zoning may bring.

Similarly, the Land Use article requires the City Council to make findings of fact (*cf.* Md. LAND USE Code Ann. 2012, §10-304). The findings of fact include:

1. **Population changes;** Population for the Census tract containing these properties have increased since the 2010 Census.
2. **The availability of public facilities;** This area is presently served by City services, and will not be negatively impacted by future development.
3. **Present and future transportation patterns;** This project is located along one of northeast Baltimore's major radial roadways, and is capable of carrying significant levels of traffic. Proposed rezoning and redevelopment of these lots should not negatively impact the transportation patterns of the area.
4. **Compatibility with existing and proposed development for the area;** As mentioned above, this property is deeper than many along the Harford Road corridor. Existing zoning had these as split-zoned B-2-2 and R-4 in recognition of the balancing act required to both provide a commercial corridor, while minimizing impacts to adjacent neighborhoods. For this reason, the proposed rezoning to C-2 will be a significant impact to those neighborhoods, and an alternate designation should be considered.
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 an alternate zoning for these properties, with C-2 along Harford Road, and R-3 residential in the rears of the properties, as the lots are now currently split between zoning districts to the Planning Commission. The BMZA has not yet commented on this bill, and will do so separately.
6. **The relation of the proposed amendment to the City's plan.** Staff believes that the alternate zoning categories of C-2 and R-3 will better provide the required balance between strengthening the commercial district along Harford Road, and protecting the character of the adjacent residential neighborhood.

The City Council may grant the amendment to change the zoning classification based on a finding that there was: (i) a substantial change in the character of the neighborhood where the property is located; or (ii) a mistake in the existing zoning classification. Staff believes that

changing the proposed zoning for this property to entirely R-4 in isolation was a mistake, in that it did not serve the interests of the commercial corridor, nor did it provide the potential for development that would be completely compatible with the existing residential neighborhood. Likewise, the proposed rezoning to C-2 in its entirety would create negative impacts on the existing residential neighborhood due to the long depth of these properties, and that it would be equally a mistake. For these reasons, staff believes that a better designation is to maintain the historic split zoning for the property, with C-2 matching the commercial zoning along Harford Road, and R-3 to match the residential zoning for the block behind them.

Notification: The Glenham-Belhar Community Association, the Hamilton Hills Neighborhood Association, the HARBEL Community Organization, and the Hamilton Lauraville Main Street have been notified of this action.



Thomas J. Stosur
Director