

TJS

FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #17-0081 / REZONING 5717 AND 5723 HARFORD ROAD		

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

DATE: June 16, 2017

At its regular meeting of June 15, 2017, the Planning Commission considered City Council Bill #17-0081, 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.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended approval of City Council Bill #17-0081 and adopted the following resolution seven members being present (seven in favor):

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #17-0081 be passed by the City Council.

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 L. Hecker, Esq.



Catherine E. Pugh
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



Thomas J. Stosur
Director

June 15, 2017

REQUEST: City Council Bill #17-0081/ 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.

RECOMMENDATION: Approval

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 were split-zoned under the former zoning code, with B-2-2 commercial zoning in the front, to include the homes, and were R-4 residentially zoned in the rear, to include detached garages. They are now zoned R-4 under TransForm Baltimore.

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 were zoned R-4 residential by TransForm Baltimore, in the comprehensive rezoning of the City that become effective on June 5, 2017.
- CCB #17-0032 – Rezoning – 5717 and 5723 Harford Road was reviewed by the Planning Commission on April 13, 2017, which recommended that the bill be passed.

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, this rezoning will keep a unified district for these properties.

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;** This property is located along a commercial corridor, though it extends into a residential neighborhood in the rear. The Planning Commission previously found in its review of CCB #17-0032 that the proposed rezoning to C-2 will not be a significant impact to that neighborhood.
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 this bill. 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.** The Planning Commission previously found in its review of CCB #17-0032 that the proposed rezoning is compatible with the commercial corridor in this area.

Per §5-508(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 Planning Commission determined 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, and that would be reasonable for properties of that size, and therefore supported the rezoning of the entirety of both lots to the C-2 district.

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

In the April 13, 2017 meeting for CCB #17-0032, the Planning Commission found that the proposed change from R-4 to C-2 for these properties would not harm the public's interest, that it would be compatible with the commercial corridor, and therefore recommended the bill favorably. The requested C-2 district will permit a maximum of 165 dwelling units in density, and a height of up to 60' by right, with the potential for 100' in height approvable by conditional use. This change will accommodate a proposal for a multi-family building on this property, with ground-floor commercial use. The previous staff report is attached for reference.

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.

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). 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.