

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 #17-0121 / REZONING – 300 BLOCK OF EAST 25 ½ STREET		

TO

DATE:

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

October 20, 2017

At its regular meeting of October 19, 2017, the Planning Commission considered City Council Bill #17-0121, for the purpose of changing the zoning for the properties known as the 300 block of East 25 ½ Street (Block 3834, Lot 49 (300 East 25 ½ Street); Lot 49A; Lot 49B (320 East 25 ½ Street); Lot 49C; Lot 50; Lot 50A (342 East 25 ½ Street); Lot 51 (344 East 25 ½ Street); and Lot 52 (NES easement rear of 342 East 25 ½ Street)), as outlined in red on the accompanying plat, from the R-8 Zoning District to the I-MU Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended approval of City Council Bill #17-0121 and adopted the following resolution nine members being present (nine in favor):

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #17-0121 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. William H. Cole IV, BDC
 Mr. David Tanner, BMZA
 Mr. Geoffrey Veale, Zoning Administration
 Ms. Sharon Daboin, DHCD
 Ms. Elena DiPietro, Law Dept.
 Mr. Francis Burnszynski, PABC
 Ms. Lindsay Wines, DOT
 Ms. Natawna Austin, Council Services
 Mr. Paul Plymouth, Council Services



Catherine E. Pugh
Mayor

PLANNING COMMISSION

Sean Davis, Chairman

STAFF REPORT



Thomas J. Stosur
Director

October 19, 2017

REQUEST: City Council Bill #17-0121/ Rezoning – 300 Block of East 25 ½ Street:

For the purpose of changing the zoning for the properties known as the 300 block of East 25 ½ Street (Block 3834, Lot 49 (300 East 25 ½ Street); Lot 49A; Lot 49B (320 East 25 ½ Street); Lot 49C; Lot 50; Lot 50A (342 East 25 ½ Street); Lot 51 (344 East 25 ½ Street); and Lot 52 (NES easement rear of 342 East 25 ½ Street)), as outlined in red on the accompanying plat, from the R-8 Zoning District to the I-MU Zoning District.

RECOMMENDATION: Approval

STAFF: Eric Tiso

PETITIONER: Eric Frank

OWNER: Eric Frank

SITE/GENERAL AREA

Site Conditions: These properties are located in an inner-block area on the north side of East 25 ½ Street, within the greater block bounded by 25th Street on the south, Guilford Avenue on the west, railroad tracks and 26th Street to the north, and Barclay Street to the east. These lots are improved with a couple of one-story industrial buildings.

General Area: These properties are located in the southern end of the Harwood neighborhood, which is predominantly residential in nature, mostly comprised of row homes, with the exception of a few industrial and commercial buildings along the railroad tracks on the south side of 26th Street.

HISTORY

This site was proposed to be rezoned R-8 residential as part of the initial mapping effort in support of the Citywide comprehensive rezoning project. Later, as part of the public review process, a request was made to rezone these properties Industrial Mixed-Use (I-MU) instead, and that change was adopted by the City Council.

ANALYSIS

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. In this case, the request for I-MU was analyzed and voted favorably by City Council, but due to a mistake, was not actually mapped as I-MU

accurately. This meets the definition of a mistake, since the failure to change the proposed zoning from the R-8 to the I-MU zone was due to a simple clerical error. For that reason, this bill should be approved.

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.

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 correct a mistake in the zoning of these properties that were intended to be zoned I-MU.

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 intent of the I-MU district is to “The I-MU Industrial Mixed-Use Zoning District is intended to encourage the reuse of older industrial buildings for light industrial use, as well as a variety of non-industrial uses. These older industrial buildings are often surrounded by residential and other non-industrial uses.” (Article 32 – *Zoning*, §11-203(a)) In this case, the use of the buildings is not expected to change, and will retain their commercial and industrial usage. These properties are not suitable for residential

use as they are now built and used, and are surrounded by residential properties on three sides. This arrangement meets the intent of I-MU zoning, and therefore the overall Master Plan intent.

2. **The needs of Baltimore City:** Approving the intended rezoning of these properties to the I-MU district will keep these buildings in productive use, retaining those businesses.
3. **The needs of the particular neighborhood:** Correcting the zoning of these properties will support stability in this block. It is unreasonable to expect that these properties could be converted or redeveloped for residential use. Likewise, their placement inside the greater block would make them less desirable for subdivision into a more regular residential pattern. For that reason, the intended I-MU zoning should be applied.

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;** The proposed correction to the I-MU district will retain the existing businesses on these properties, which will not be affected by any changes in population in the immediate area, nor will it negatively impact the ability for new development in the immediate neighborhood.
2. **The availability of public facilities;** This area is well served by public utilities, which will continue to support the existing use of these properties, and the surrounding neighborhood for the foreseeable future.
3. **Present and future transportation patterns;** Transportation patterns in this neighborhood will not be impacted by recognizing the established development pattern in this area, and correcting the zoning for these properties to the I-MU district.
4. **Compatibility with existing and proposed development for the area;** Correcting the zoning of these properties will support stability in this block, will not lead to any significant changes in use. And will therefore not negatively impact either the existing or proposed development of the 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 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.** As the current usage of~~ these properties, and their location within an established residential block meets the intent behind the creation of the I-MU district, its rezoning to that I-MU district meets the intent of the City's new Zoning Code, and therefore Master Plan.

Notification: The Harwood Community Association and the Charles Village Community Association have been notified of this action.



Thomas J. Stosur
Director