**Introduced by:** Councilmember Stokes

**At the request of:** Eric Frank
Address: 4 Hallsdale Court, Rosedale, Maryland 21237
Telephone: 443-621-2810

**Prepared by:** Department of Legislative Reference **Date:** August 31, 2017

**Referred to:** LAND USE AND TRANSPORTATION Committee

Also referred for recommendation and report to municipal agencies listed on reverse.

CITY COUNCIL 17- 0121

A BILL ENTITLED

AN ORDINANCE concerning

**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.

BY amending
Article 32 - Zoning
Zoning District Map
Sheet 36
Baltimore City Revised Code
(Edition 2000)

****The introduction of an Ordinance or Resolution by Councilmembers at the request of any person, firm or organization is a courtesy extended by the Councilmembers and not an indication of their position.**

1050-14-1 REV.10/93

## Agencies

_____ Baltimore City Public School System

✓ Baltimore Development Corporation

✓ City Solicitor

_____ Comptroller's Office

_____ Department of Audits

_____ Department of Finance

_____ Department of General Services

✓ Department of Housing and Community Development

_____ Department of Human Resources

_____ Department of Planning

_____ Other:_____

_____ Other:_____

_____ Other:_____

_____ Department of Public Works

_____ Department of Real Estate

_____ Department of Recreation and Parks

✓ Department of Transportation

_____ Fire Department

_____ Health Department

_____ Mayor's Office of Employment Development

_____ Mayor's Office of Human Services

_____ Mayor's Office of Information Technology

_____ Office of the Mayor

_____ Police Department

_____ Other:_____

_____ Other:_____

## Boards and Commissions

_____ Board of Estimates

_____ Board of Ethics

✓ Board of Municipal and Zoning Appeals

_____ Comm. for Historical and Architectural Preservation

_____ Commission on Sustainability

_____ Employees' Retirement System

_____ Other:_____

_____ Other:_____

_____ Other:_____

_____ Environmental Control Board

_____ Fire & Police Employees' Retirement System

_____ Labor Commissioner

_____ Parking Authority Board

✓ Planning Commission

_____ Wage Commission

_____ Other:_____

_____ Other:_____

_____ Other:_____

**CITY OF BALTIMORE**
**ORDINANCE 18-109**
**Council Bill 17-0121**

Introduced by: Councilmember Stokes
At the request of: Eric Frank
Address: 4 Hallsdale Court, Rosedale, Maryland 21237
Telephone: 443-621-2810
Introduced and read first time: September 11, 2017
Assigned to: Land Use and Transportation Committee
Committee Report: Favorable
Council action: Adopted
Read second time: February 26, 2018

**AN ORDINANCE CONCERNING**

**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.

BY amending
Article 32 - Zoning
Zoning District Map
Sheet 36
Baltimore City Revised Code
(Edition 2000)

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That Sheet 36 of the Zoning District Map is amended by changing from the R-8 Zoning District to the I-MU Zoning District 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 25 ½ Street)), as outlined in red on the plat accompanying this Ordinance.

**SECTION 2. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

**EXPLANATION:** CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.



dlr17-0335(2)-3rd/22Feb18
rezone/cb17-0121-3rd/nbr

1 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
2 after the date it is enacted.

Certified as duly passed this _____ day of MAR 12, 2018

President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

this _____ day of MAR 12 2018, 20__

Chief Clerk

Approved this 27 day of March, 2018

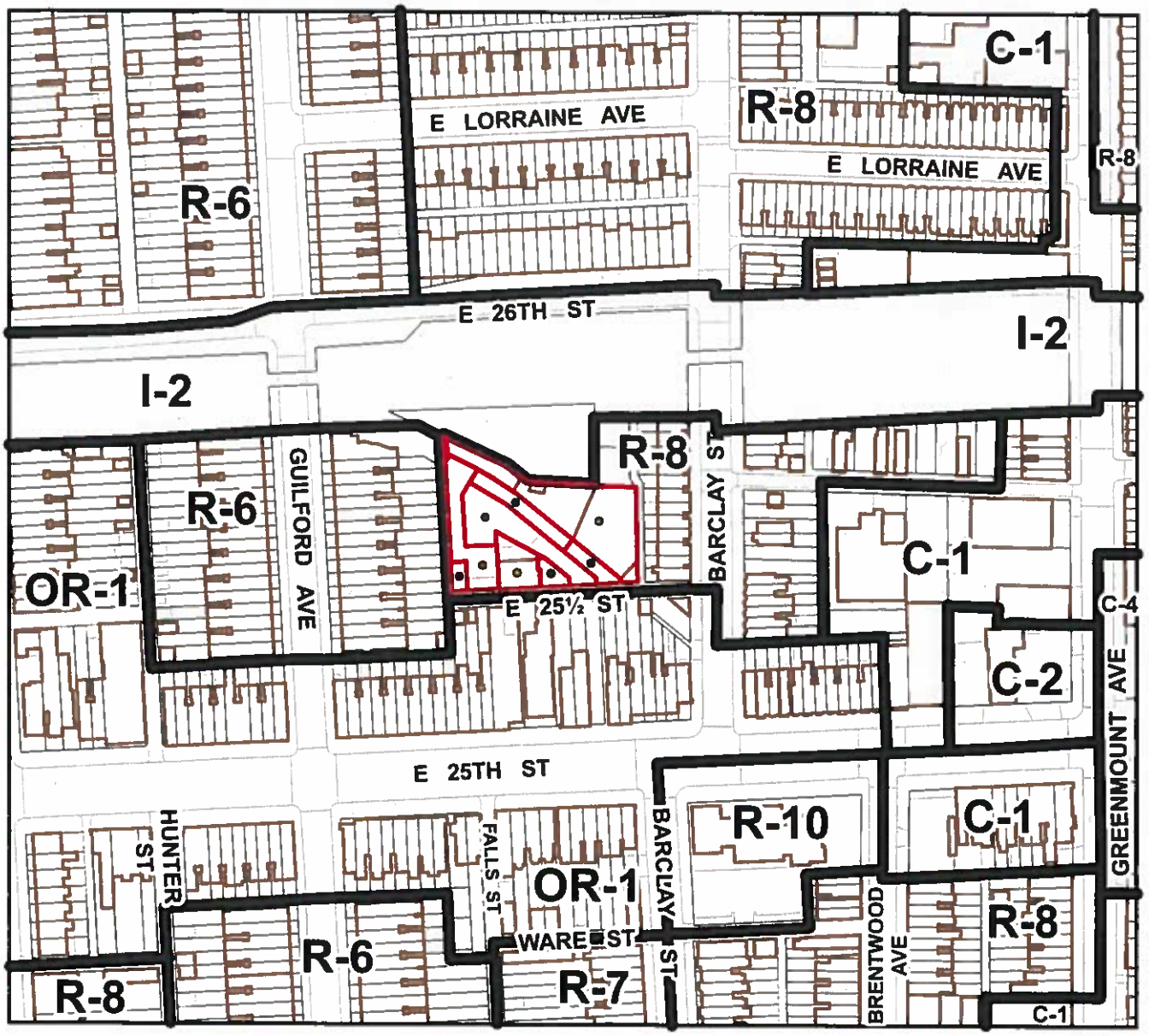
Mayor, Baltimore City

Approved For Form and Legal Sufficiency
This 19th Day of March 2018

Chief Solicitor

dir17-0335(2)~3rd/22Feb18
rezone/cb17-0121-3rd/nbr

# SHEET NO. 36 OF THE ZONING MAP OF THE ZONING CODE OF BALTIMORE CITY




Scale: 1" = 200'

**Note:** In Connection With Properties Known As:

- 1) 300 E 25 1/2 Street (Lot 49)
- 2) NE E 25 1/2 Street 231 Ft W Of Barclay Street (Lot 49A)
- 3) 320 E 25 1/2 Street (Lot 49B)
- 4) NS E 25 1/2 Street 149-8 Ft W Of Barclay Street (Lot 49C)
- 5) NS E 25 1/2 Street 114-10 Ft W Of Barclay Street (Lot 50)
- 6) 342 E 25 1/2 Street (Lot 50A)
- 7) 344 E 25 1/2 Street (Lot 51)
- 8) NES Easement Rear 342 25 1/2 Street (Lot 52)

The Applicant Wishes To Request The Rezoning Of The Aforementioned Properties From R-8 Zoning to IMU Zoning, As Outlined In Various Color Circles Above.

WARD 12 SECTION 15

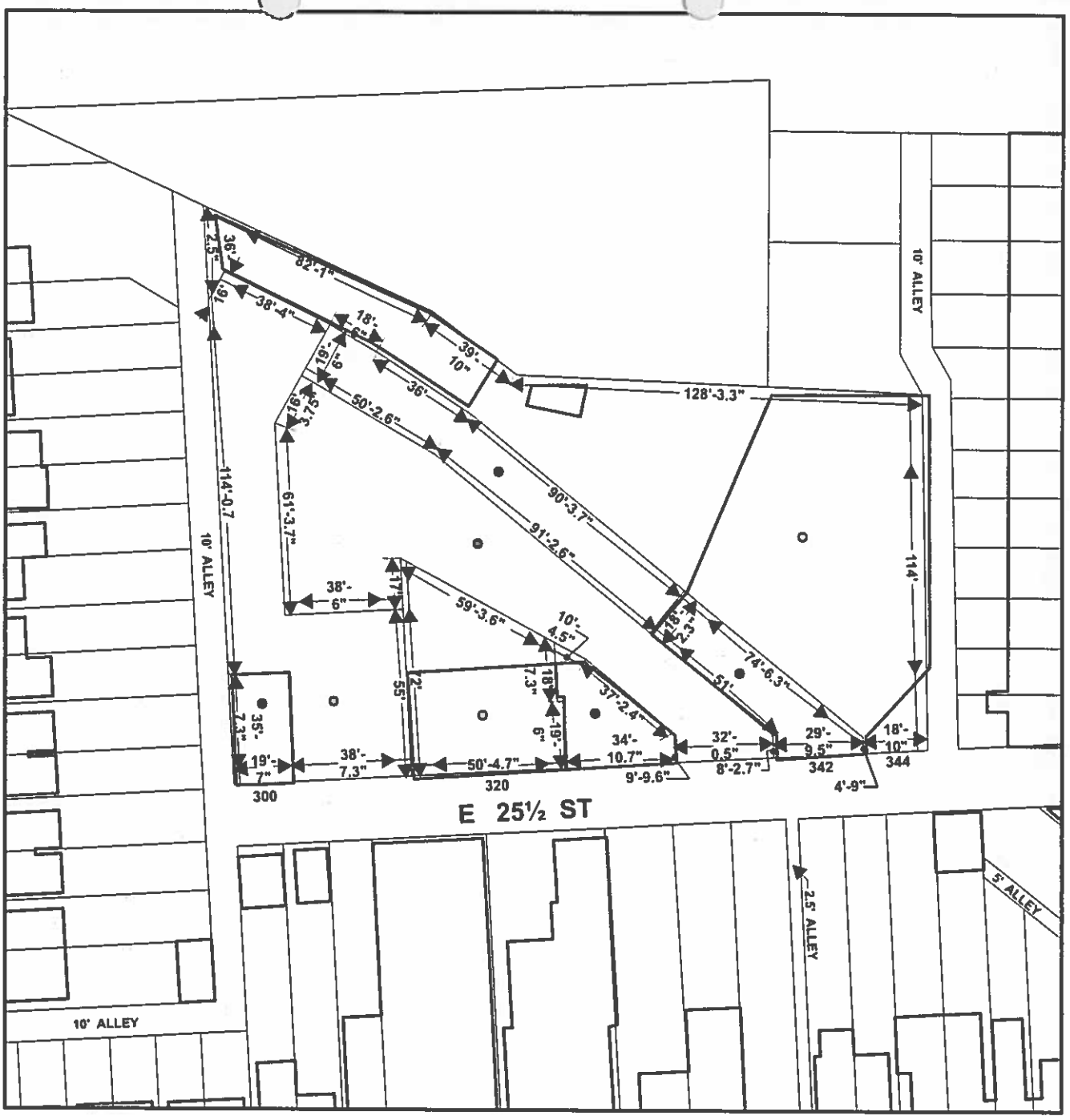
BLOCK 3834 LOTS 49, 49A, 49B, 49C, 50, 50A, 51 & 52

MAYOR

PRESIDENT CITY COUNCIL

RPE 8-23-17

121




Scale: 1" = 50'

- ● 1) 300 E 25 1/2 Street (Lot 49)
- ○ 2) NE E 25 1/2 Street 231 Ft W Of Barclay Street (Lot 49A)
- ○ 3) 320 E 25 1/2 Street (Lot 49B)
- ● 4) NS E 25 1/2 Street 149-8 Ft W Of Barclay Street (Lot 49C)
- ● 5) NS E 25 1/2 Street 114-10 Ft W Of Barclay Street (Lot 50)
- ● 6) 342 E 25 1/2 Street (Lot 50A)
- ○ 7) 344 E 25 1/2 Street (Lot 51)
- ● 8) NES Easement Rear 342 25 1/2 Street (Lot 52)

Sheet 2

RPE 8-23-17

# BALTIMORE CITY COUNCIL
# LAND USE AND TRANSPORTATION
# VOTING RECORD

DATE: February 21, 2018

BILL#: 17-0121

BILL TITLE: Ordinance - Rezoning - 300 Block of East 25 ½ Street

MOTION BY: Stokes SECONDED BY: Clark

☑ FAVORABLE ☐ FAVORABLE WITH AMENDMENTS

☐ UNFAVORABLE ☐ WITHOUT RECOMMENDATION

| NAME | YEAS | NAYS | ABSENT | ABSTAIN |
|---|---|---|---|---|
| Reisinger, Edward, Chair | ✓ | | | |
| Middleton, Sharon, Vice Chair | ✓ | | | |
| Clarke, Mary Pat | ✓ | | | |
| Costello, Eric | ✓ | | | |
| Dorsey, Ryan | ✓ | | | |
| Pinkett, Leon | ✓ | | | |
| Stokes, Robert | ✓ | | | |
| | | | | |
| TOTALS | 7 | | | |

CHAIRPERSON: Edward Reisinger

COMMITTEE STAFF: Jennifer L. Coates, Initials: JLC

# LAND USE AND TRANSPORTATION COMMITTEE

## FINDINGS OF FACT

MOTION OF THE CHAIR OF THE LAND USE AND TRANSPORTATION 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 THE REZONING OF:

**CITY COUNCIL BILL NO: 17-0121**
**REZONING – 300 BLOCK OF EAST 25½ STREET**

Upon finding as follows with regard to:

ADOPTED

(1) Population changes;

The proposed correction to rezone 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 facilities and utilities, which will continue to support the existing uses 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 therefore will not negatively impact either the existing or proposed development of the neighborhood.

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

City agencies recommended the following:

Planning Commission - Favorable
Board of Municipal Zoning Appeals - Favorable
Law Department - Favorable/Comments
Department of Housing and Community Development - Favorable
Department of Transportation – No Objection

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

(7) Existing uses of property within the general area of the property in question;

The properties ae located in the southern end of 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.

(8) The zoning classification of other property within the general area of the property in question;

The zoning classification is residential R-8..

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

The R-8 zoning district allows many residential uses, it does not allow most commercial uses provided in the I-MU (Industrial Mixed-Use) district. The I-MU 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. 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. The arrangement meets the intent of I-MU zoning, and therefore the overall Master Plan intent.

(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;

The proposed rezoning is compatible with existing zoning in the area. 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 should be applied.

(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:

A mistake was made in classifying the subject property R-8. Rezoning the property to I-MU will keep these building in productive use, retaining those businesses.

SOURCE OF FINDINGS (Check all that apply):

[ X ] Planning Report

[ X ] Testimony presented at the Committee hearing

Oral – Witness Name:

Eric Tiso, Department of Planning

Written – Submitted by:

Baltimore City Planning Commission, Agency Report, October 20, 2017

**LAND USE AND TRANSPORTATION COMMITTEE:**

**Chairman** **Member**

Member

Member

Member

Member

Member

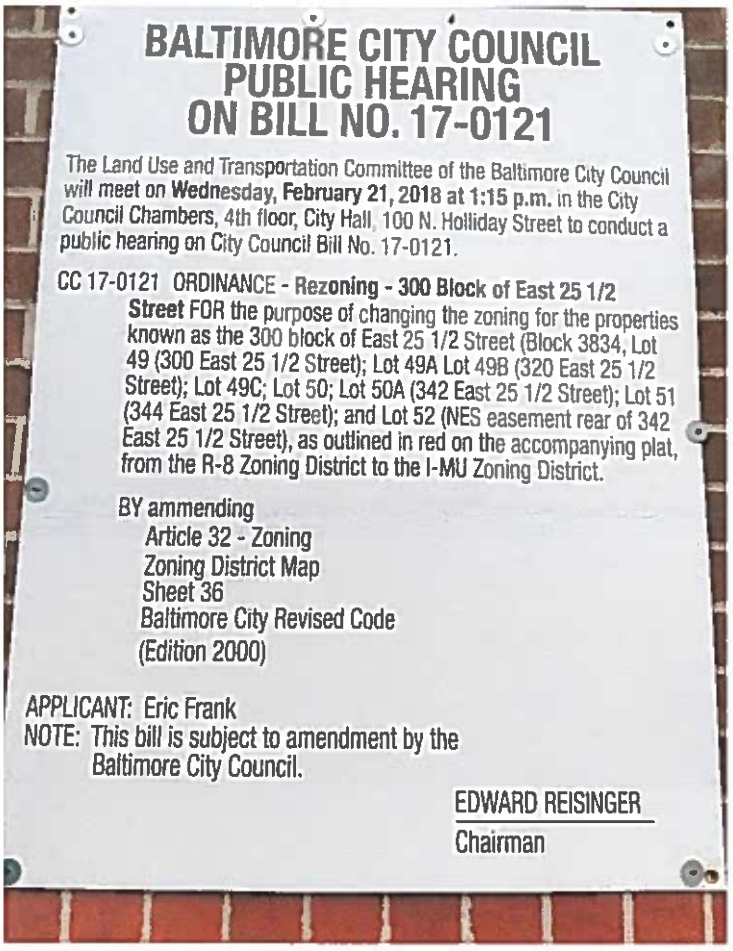
Member

# CERTIFICATE OF POSTING

**ATTENTION:** NATAWNA B. AUSTIN
**DATE:** 1/22/2018
**Bill Number:** CC 17-0121
**Petitioner / Developer:** ERIC FRANK
**Date of Hearing:** FEBRUARY 21, 2018

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
344 EAST 25 ½ STREET

**The sign(s) were posted on: JANUARY 21, 2018**



**BALTIMORE CITY COUNCIL**
**PUBLIC HEARING**
**ON BILL NO. 17-0121**

The Land Use and Transportation Committee of the Baltimore City Council will meet on **Wednesday, February 21, 2018 at 1:15 p.m.** in the City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street to conduct a public hearing on City Council Bill No. 17-0121.

CC 17-0121 ORDINANCE - **Rezoning - 300 Block of East 25 1/2 Street** FOR the purpose of changing the zoning for the properties known as the 300 block of East 25 1/2 Street (Block 3834, Lot 49 (300 East 25 1/2 Street); Lot 49A Lot 49B (320 East 25 1/2 Street); Lot 49C; Lot 50; Lot 50A (342 East 25 1/2 Street); Lot 51 (344 East 25 1/2 Street); and Lot 52 (NES easement rear of 342 East 25 1/2 Street), as outlined in red on the accompanying plat, from the R-8 Zoning District to the I-MU Zoning District.

BY ammending
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Sheet 36
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(Edition 2000)

APPLICANT: Eric Frank
NOTE: This bill is subject to amendment by the Baltimore City Council.

EDWARD REISINGER
Chairman

Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 – 666 – 5366
(Telephone Number of Sign Poster)

RECEIVED
JAN 25 2018
BALTIMORE CITY COUNCIL
PRESIDENT'S OFFICE


Background Photo CC 17-0121 @ 344 East 25 ½ Street

TO: Eric Frank

FROM: Natawna B. Austin, Executive Secretary, Baltimore City Council

DATE: January 10, 2018

RE: NOTICE TO APPLICANT AND INSTRUCTIONS FOR ADVERTISING A PUBLIC HEARING FOR MAP AND TEXT AMENDMENTS; PUDs

---

You are hereby notified that the Land Use and Transportation Committee has scheduled the following City Council Bill for a public hearing:

**Bill:** **City Council Bill No. 17-0121**

**Date:** **Wednesday, February 21, 2018**

**Time:** **1:15 P.M**

**Place:** **City Council Chambers, 4th floor of City Hall, 100 N. Holliday Street.**

At the expense of the applicant, notice of this public hearing must be provided in accordance with **Article 32. Zoning § 5-601**:

1) Notice must be published in one (1) newspaper of general circulation, 15 days prior to the date of the hearing, in accordance with Article 32. Zoning § 5-601.

2) Notice of map amendments and PUD's must be posted on the property or properties involved 30 days prior to date of hearing in accordance with Article 32. Zoning § 5-601.

3) Notice of map amendments and PUD's must be provided by first-class mailing of a written notice to each person who appears on the tax records of the City as an owner of the property to be rezoned 15 days prior to the date of the hearing, in accordance with Article 32. Zoning § 5-601. This letter serves as notice to the applicant/property owner. If the applicant is not the property owner, the applicant must provide the required notice to the property owner(s).

**Please note that ALL of these requirements MUST be met in order for your hearing to proceed as scheduled.**

**Newspaper Advertisement**
You may choose any of the following newspapers for advertising purposes: The Daily Record, The Sun, or the Afro-American.

**Wording for Sign, Newspaper Advertisement, and Written Notice:**
The information that must be advertised appears between the double lines on the attached page; the deadline date is indicated at the top of the page.

**Certification of Postings**
Certification of the written notice, sign posting on the property, and publication of the newspaper advertisements, in duplicate, must be sent to the Executive Secretary, four (4) days prior to the hearing.

**If the required certifications are not received as specified above, the public hearing will be cancelled without notice to the applicant.**

THE INFORMATION BETWEEN THE DOUBLE LINES (SEE BELOW) MUST BE ADVERTISED IN A NEWSPAPER AND PROVIDED TO PROPERTY OWNERS **ON Tuesday, February 6, 2018** AND A SIGN MUST BE POSTED ON THE PROPERTY **ON Monday, January 22, 2018** AS OUTLINED ON THE PREVIOUS PAGE.

---

BALTIMORE CITY COUNCIL

PUBLIC HEARING ON BILL NO. 17-0121

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APPLICANT: Eric Frank
NOTE: This bill is subject to amendment by the Baltimore City Council.

EDWARD REISINGER
Chairman

---

SEND CERTIFICATION OF PUBLICATION TO:

Natawna B. Austin
Baltimore City Council
Room 409, City Hall
100 N. Holliday Street
Baltimore, MD 21202
410-396-1697

SEND BILL FOR THIS ADVERTISEMENT TO:

Eric Frank
4 Hallsdale Court
Rosedale, MD 21237
443-621-2810

**The Daily Record**
11 East Saratoga Street
Baltimore, MD 21202-2199
(443) 524-8100
http://www.thedailyrecord.com

**Order #:** 11473476
**Case #:**
**Description:**

Bill #17-0121 - The Land Use and Transportation Committee of the Baltimore City Council wi

# PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in **The Daily Record**, a daily newspaper published in the State of Maryland 1 times on the following dates:

2/6/2018

Darlene Miller

**Darlene Miller, Public Notice Coordinator**
(Representative Signature)

---

**Baltimore City**

**BALTIMORE CITY COUNCIL**
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(Edition 2000)

APPLICANT: Eric Frank

NOTE: This bill is subject to amendment by the Baltimore City Council.

EDWARD REISINGER,
Chairman

f6

Natawna B Austin 1/31/ 2018

Baltimore City Council

Room 409 City hall

100 N Holiday street

Baltimore md 21202.

Dear MS Austin,

Enclosed is the first class copies of the mailings that I send to the properties owners through the post office, as required. I made copies of the brown envelopes that I used with and without postage stamps.

There is also copies of the receipt the was issued by the post office. Please let me know by email if that will serve the requirements, and if its acceptable.. A copy of the daily record publication is also included, just to be on the safe side of things.

Sincerely

Eric J Frank 443-621-2810

part 1 POST office Receipt

NOTTINGHAM
4990 MERCANTILE RD
NOTTINGHAM
MD
21236-9998
2304210057
01/31/2018 (800)275-8777 12:40 PM

| Product Description | Sale Qty | Final Price |
|---|---|---|
| First-Class Mail Large Envelope (Domestic) (BALTIMORE, MD 21209) (Weight:0 lb 1.50 Oz) (Estimated Delivery Date) (Friday 02/02/2018) | 1 | $1.21 |
| First-Class Mail Large Envelope (Domestic) (BALTIMORE, MD 21218) (Weight:0 lb 1.50 Oz) (Estimated Delivery Date) (Friday 02/02/2018) | 1 | $1.21 |
| First-Class Mail Large Envelope (Domestic) (BALTIMORE, MD 21218) (Weight:0 Lb 1.50 Oz) (Estimated Delivery Date) (Friday 02/02/2018) | 1 | $1.21 |

Total $3.63

Debit Card Remit'd $3.63
(Card Name:Debit Card)
(Account #:XXXXXXXXXXXX1854)
(Approval #: )
(Transaction #:905)
(Receipt #:007635)
(Debit Card Purchase:$3.63)
(Cash Back:$0.00)

**********
BRIGHTEN SOMEONE'S MAILBOX. Greeting cards available for purchase at select Post Offices.
**********

Part 2, Post office receipt

In a hurry? Self-service kiosks offer quick and easy check-out. Any Retail Associate can show you how.

Order stamps at usps.com/shop or call 1-800-Stamp24. Go to usps.com/clicknship to print shipping labels with postage. For other information call 1-800-ASK-USPS.

**********
Get your mail when and where you want it with a secure Post Office Box. Sign up for a box online at usps.com/poboxes.
**********

All sales final on stamps and postage
Refunds for guaranteed services only
Thank you for your business

HELP US SERVE YOU BETTER

TELL US ABOUT YOUR RECENT POSTAL EXPERIENCE

Go to:
https://postalexperience.com/Pos

840-5210-0114-003-00016-93569-02

or scan this code with your mobile device:

or call 1-800-410-7420.

YOUR OPINION COUNTS

Bill #: 840 52100114-3-1693569-2
Clerk: 45

Pic - Frank
Fallsdale of
edale MD
237.

TO
RYAN - FARRELL.
410 Whitaker Ave
Baltimore MD.
21218

U.S. POSTAGE
PAID
NOTTINGHAM, MD 21236
JAN 13 19
AMOUNT
$1.2
R2304P118

1000 21218

From
ERIC - FRANK
4 Hallsdale ct
Rosedale MD
21237.

TO
RYAN - PARNELL.
410 Whitaker Ave
Baltimore MD.
21218

From
ERIC FRANK
4 HALLSdale of Rosedale.
Balto MD. 21237

To.
DA properties LLC
7201 TRAVATINE DR
#408
Baltimore MD.
21209

Part 1 - POST office Recipt.

NOTTINGHAM
4990 MERCANTILE RD
NOTTINGHAM
MD
21236-9998
2304210057
01/31/2018 (800)275-8777 12:40 PM

| Product Description | Sale Qty | Final Price |
|---|---|---|
| First-Class Mail Large Envelope (Domestic) (BALTIMORE, MD 21203) (Weight:0 Lb 1.50 Oz) (Estimated Delivery Date) (Friday 02/02/2018) | 1 | $1.21 |
| First-Class Mail Large Envelope (Domestic) (BALTIMORE, MD 21218) (Weight:0 Lb 1.50 Oz) (Estimated Delivery Date) (Friday 02/02/2018) | 1 | $1.21 |
| First-Class Mail Large Envelope (Domestic) (BALTIMORE, MD 21218) (Weight:0 Lb 1.50 Oz) (Estimated Delivery Date) (Friday 02/02/2018) | 1 | $1.21 |
| Total | | $3.63 |
| Debit Card Remit'd (Card Name:Debit Card) (Account #:XXXXXXXXXXXX1854) (Approval #: ) (Transaction #:905) (Receipt #:007635) (Debit Card Purchase:$3.63) (Cash Back:$0.00) | | $3.63 |

**********
BRIGHTEN SOMEONE'S MAILBOX. Greeting cards available for purchase at select Post Offices.
**********

In a hurry? Self-service kiosks offer quick and easy check-out. Any Retail

the go

FRAN
s dale of Rosedale.
MD. 21237

U.S. POSTAGE
PAID
NOTTINGHAM, MD
21236
JAN 31, 18
AMOUNT
$1.21
R2304P118906-45

1000 21209

To.
DA properties LLC
7201 TRAVATINE DR
#408
Baltimore MD.
21209

Part 1 - Receipt from Post office

NOTTINGHAM
4990 MERCANTILE RD
NOTTINGHAM
MD
21236-9998
2304210057
01/31/2018 (800)275-8777 12:40 PM

| Product Description | Sale Qty | Final Price |
|---|---|---|
| First-Class Mail Large Envelope (Domestic) (BALTIMORE, MD 21209) (Weight:0 Lb 1.50 Oz) (Estimated Delivery Date) (Friday 02/02/2018) | 1 | $1.21 |
| First-Class Mail Large Envelope (Domestic) (BALTIMORE, MD 21218) (Weight:0 Lb 1.50 Oz) (Estimated Delivery Date) (Friday 02/02/2018) | 1 | $1.21 |
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(Account #:XXXXXXXXXXXX1854)
(Approval #: )
(Transaction #:905)
(Receipt #:007635)
(Debit Card Purchase:$3.63)
(Cash Back:$0.00)

**********
BRIGHTEN SOMEONE'S MAILBOX. Greeting cards available for purchase at select Post Offices.
**********

Part 2 Post office receipt.

In a hurry? Self-service kiosks offer quick and easy check-out. Any Retail Associate can show you how.

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YOUR OPINION COUNTS

Bill #: 840-52100114-3-1693569-2
Clerk: 45

From
Eric Frank
4 Hallstead ct
Rosedale MD
21237

TO.

Peter Elmo.
326 E. 25th street
Balto MD. 21218.

U.S. POSTAGE
PAID
NOTTINGHAM, MD
21236
JAN 31 '19
AMOUNT
$1.21
R2304P118906-45

1000

21218

From
Eric Frank
4 Hillsdale ct
Rosedale MD
21237

TO.

Peter Elmo.
326 E. 25th street
Balto MD. 21218.

| FROM | | | CITY of BALTIMORE MEMO |
|---|---|---|---|
| | NAME & TITLE | THOMAS J. STOSUR, DIRECTOR | |
| | AGENCY NAME & ADDRESS | DEPARTMENT OF PLANNING<br>8TH FLOOR, 417 EAST FAYETTE STREET | |
| | SUBJECT | CITY COUNCIL BILL #17-0121 / REZONING – 300 BLOCK OF EAST 25 ½ STREET | |

TO

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

DATE: 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

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

**Thomas J. Stosur**
**Director**

CCB #17-0121 – Rezoning – 300 Block of East 25 ½ Street

There are additional standards under §5-508(b)(3) that must be considered for map amendments. These include:

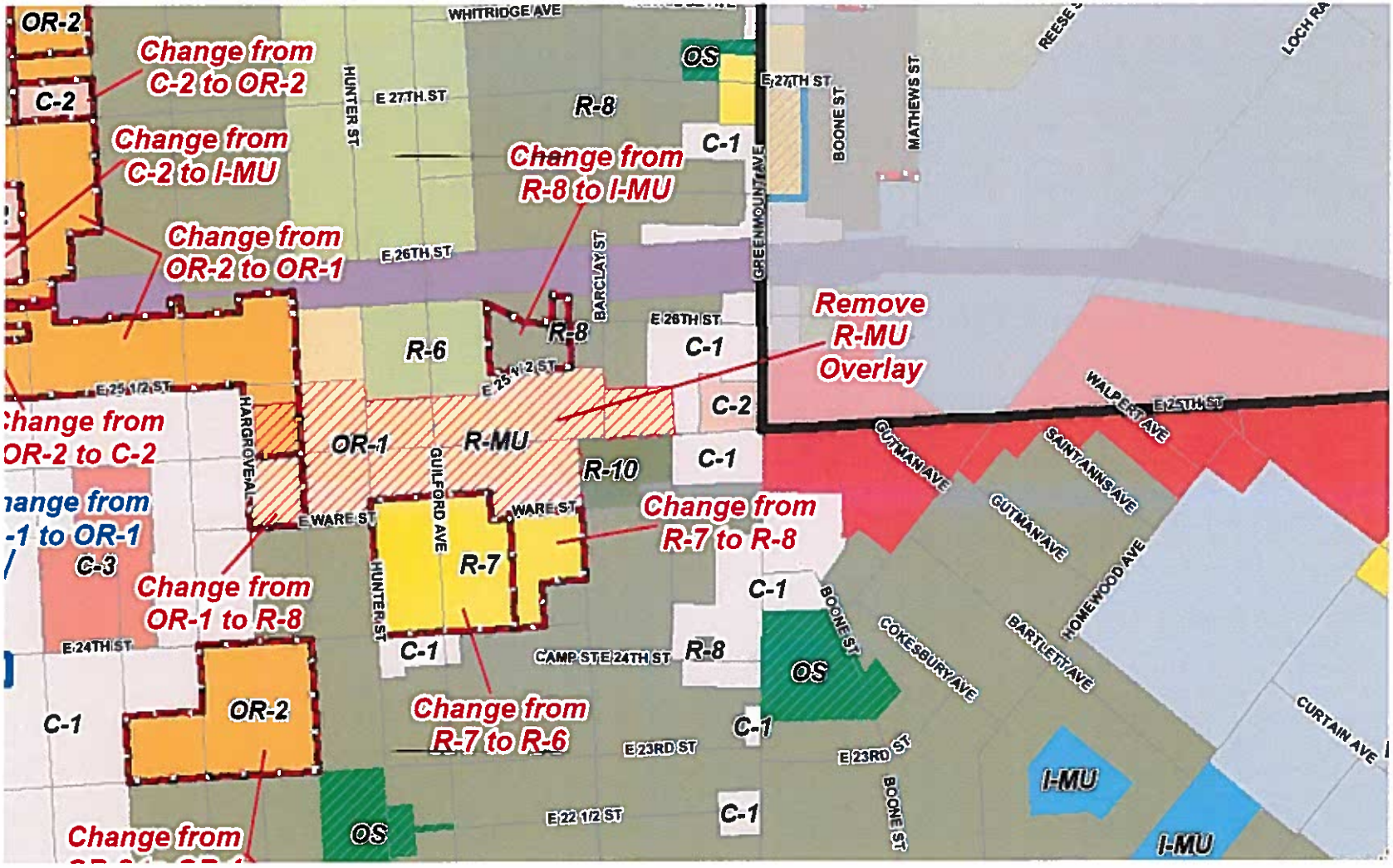
**(i) existing uses of property within the general area of the property in question;**
The properties in the 300 Block of East 25 ½ Street are surrounded on the east along Barclay Street and on the west along Guilford Avenue by attached homes. The properties to the south, along East 25th Street, are a mixture of residential and commercial uses. The property to the north of this block is a railroad corridor that abuts East 26th Street to the north. That street has homes on the north side of the block only. The properties in the 300 block of East 25 ½ Street have a mix of commercial and industrial uses, which have been there for several decades.

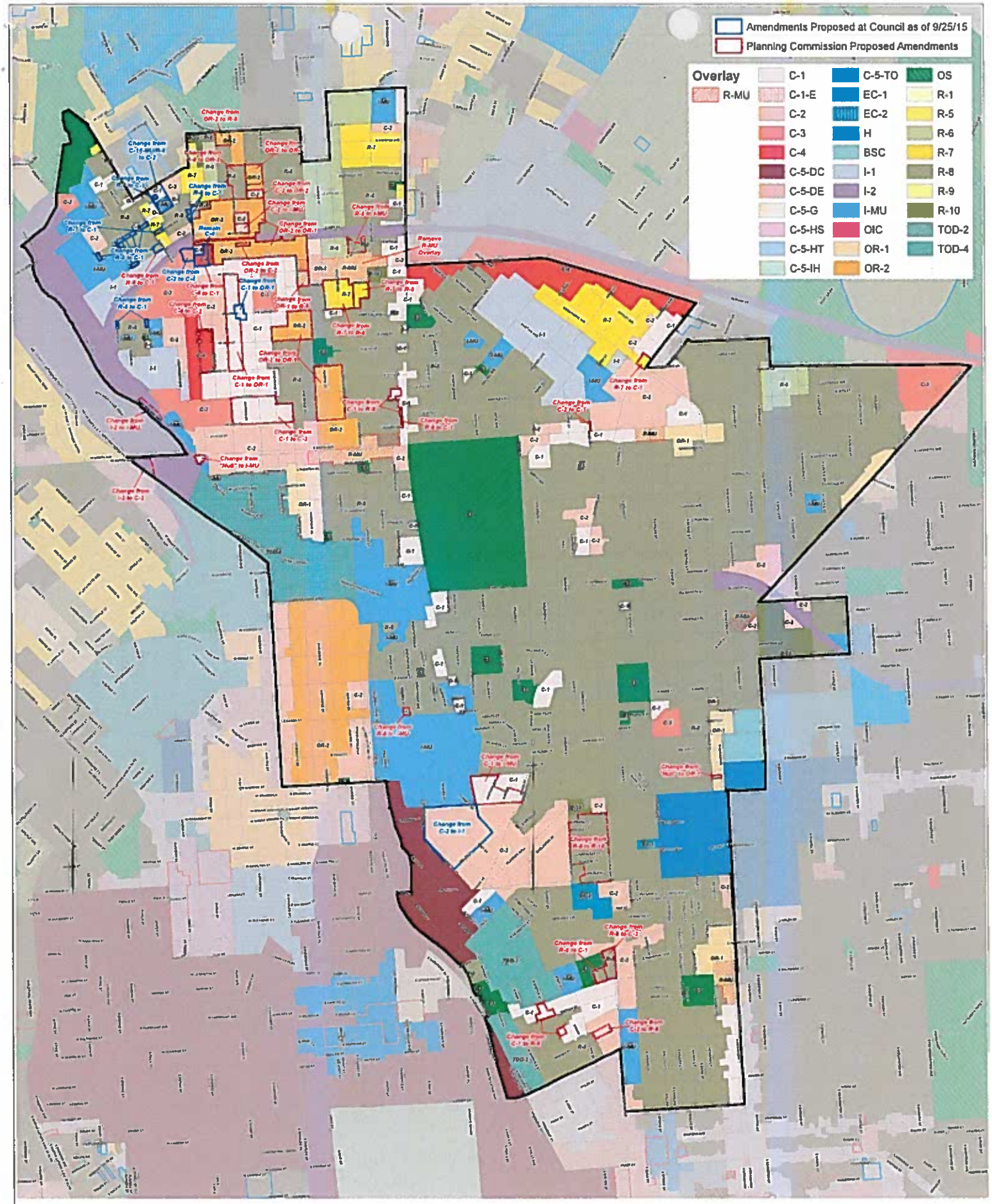
**(ii) the zoning classification of other property within the general area of the property in question;**
The properties surrounding these lots were zoned residentially (R-6 and R-7) to the west, north, and east, and O-R-2 to the south, under the prior Zoning Code. Through the comprehensive rezoning of the City, the railway corridor was updated to the I-2 Industrial District, to reflect the actual use of the land. In a September 2015 map amendment proposal, the lots in the 300 Block of East 25 ½ Street were to be rezoned to the I-MU District, which would reflect the actual use of the properties at that time. That amendment was approved, but was not included in the overall final zoning map.

**(iii) the suitability of the property in question for the uses permitted under its existing zoning classification; and**
If the properties in the 300 Block of East 25 ½ Street keep the present R-8 zoning, there will be a mismatch in the existing building types versus the requirements of the underlying zoning district. The existing buildings are not readily convertible to residential use, and it is very likely that a complete demolition and new construction would be required to make these viable for residential use. Even if those lengths were taken, the property is functionally located within the middle of the block, would not have a through-street to front on, and so would not likely be attractive for development of homes. For that reason, zoning these properties I-MU, as approved in the map amendment, would allow these properties to continue in productive 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 significant changes to this area that would lead to a need for further rezoning considerations. The initial map introduced at the beginning of the comprehensive rezoning process missed that these inner-block parcels were in use for commercial and industrial uses, and so proposed them to be zoned R-8 in error. We believe that the map amendment will recognize the stable conditions of the area, and represents the best fit for this block, and the immediately surrounding neighborhood.

Excerpt from 12th District Map Amendments (September 2015)






# Baltimore City *12th Council District*
# Proposed Zoning Map with Amendments

Stephanie Rawlings-Blake
Mayor
Thomas J. Stosur
Director of Planning

September 25, 2015

## trict 12 Map Amendments

FORMATTED BY DLR
10-24-16

| ID | Street Number | Street Address | Block and Lot Number | Council District | Current Zoning | TransForm Zoning Designation | Proposed Zoning |
|---|---|---|---|---|---|---|---|
| M410 | 440-42 | E 20TH ST | 3805 005 and 3805 004 | 12 | C-1 | C-1 | R-8 |
| M411 | 501 | West 27th Street | 3630B 026 | 12 | | R-8 | C-1 |
| M412 | 200 | West Lorraine Ave | 3639 044 | 12 | | R-8 | C-1 |
| M413A | 201 | West Lorraine Ave | 3639 095A | 12 | | R-8 | C-1 |
| M413 | 409 | Aisquith St | Block 1295 Lot 006 | 12 | R-8 | R-8 | C-2 |
| M414 | 413 | Aisquith St | Block 1295 Lot 008 | 12 | R-8 | R-8 | C-2 |
| M415 | 419 | Aisquith St | Block 1295 Lot 009 | 12 | R-8 | R-8 | C-2 |
| M416 | 609 | Aisquith St | Block 1295 Lot 010 | 12 | R-8 | R-8 | C-2 |

received
2-21-18 JRC

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| M417 | 611 | Aisquith St | Block 1295 Lot 011 | 12 | R-8 | R-8 | C-2 |
| M418 | 437 | E 20TH ST | 3804 047 | 12 | | R-8 | C-1 |
| M419 | 427 | E 21ST ST | 3804 042 | 12 | | C-1 | R-8 |
| M420 | 929 | E BALTIMORE ST | 1360 028 | 12 | | C-1 | R-8 |
| M421 | 1200 | E Baltimore St | 1339 001 | 12 | unspecified | OS | C-2 |
| M422 | 1208-1224 | E Baltimore Street | 1208 - 1339 004<br>1210 - 1339 005<br>1224 - 1339 007 | 12 | | R-8 | C-2 |
| M423 | 1000 | E LOMBARD ST | 1364 058 | 12 | | C-1 | R-8 |
| M424 | 1401 | E Monument St | Block 1280 Lot 002 | 12 | R-8 | R-8 | C-2 |
| M425 | 1264 | E NORTH AVE | 4008 018 | 12 | | C-2 | C-1 |

District 12 Map Amendments

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| M426 | 7<br>11 | E Preston Street<br>E Mount Royal Ave | 0484 017<br>0466 017 | 12 | B-4-2 | OR-2 | C-2 |
| M427 | 1901 | FALLS ROAD | 3600B 003 | 12 | | Split I-2/I-MU | I-MU |
| M428 | 2727 | Fox Street | 3645 038 | 12 | | R-8 | C-2 |
| M429 | 2729 | Fox Street | 3645 039 | 12 | | R-8 | C-2 |
| M430 | 2731 | Fox Street | 3645 040 | 12 | | R-8 | C-2 |
| M431 | 2733 | Fox Street | 3645 041 | 12 | | R-8 | C-2 |
| M432 | 2727-2733 | Fox Street | see above | 12 | | R-8 | C-1 |
| M433 | 1108-20 | GRANBY ST | Block 1380 Lot 112A | 12 | | C-2 | R-8 |
| M434 | 2600 | Hampden Ave | 3630B 001 | 12 | R-8, R-9, or R-10 | R-8 | C-1 |
| M435 | 2800 and 2900 Block (even) | Hampden Ave | 2800 - 3643 004<br>2804 - 3643 005<br>2810 - 3643 006<br>there is no 2900 block of hampden ave | 12 | C-3 | I-MU | C-1 |
| M437 | 2648 | Hampden Avenue | 3630B025 | 12 | R-8 | R-8 | C-1 |
| M438 | 2649 | Hampden Avenue | 3630A 026 | 12 | R-8 | R-8 | C-1 |
| M439 | 1016 | Hillen St | 1251 001 | 12 | | C-2 | I-1 |
| M440 | 2623 | Huntingdon Ave | 3639 012 | 12 | R-8, R-9, or R-10 | R-8 | C-1 |

District 12 Map Amendments

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| M441 | 2658 | Huntingdon Ave | 3630A 087 | 12 | R-8, R-9, or R-10 | R-8 | C-1 |
| M442 | 2100 Block (odd) | Huntingdon Ave | 2103 - 3608 081<br>2117 - 3608 076<br>2127 - 3608 069<br>2141 - 3608 064 | 12 | Unspecified | I-1 | I-MU |
| M443 | 2600-02 | Huntingdon Ave | 3630A111 and 3630A 108 | 12 | R-8 | | C-1 |
| M446 | 2701<br>2658<br>2740<br>2745<br>2800 | Huntingdon Ave<br>Huntingdon Ave<br>Huntingdon Ave<br>Huntingdon Ave<br>Huntingdon Ave | 3645 001<br>3630A 087<br>3644 027<br>3645 023<br>3652 041 | 12 | R-7 | 2701, 2740, 2745, 2800 - C-1<br>2658 - R-8 | C-1 |
| M447 | 1531 | MALSTER AVE | 0386 014 | 12 | M-2 | C-2 | C-2 |
| M448 | 2656 | Miles Ave | 3630A 027 | 12 | R-8, R-9, or R-10 | R-8 | C-1 |
| M449 | 2743 | Miles Ave | 3644 070 | 12 | Unspecified | C-1 | C-1 |
| M450 | 2656-58 | Miles Ave | 3630A 027 | 12 | R-8 | | C-1 |
| M452 | 500 | N Caroline St | Block 1280 Lot 004A | 12 | EC-2 | EC-2 | C-2 |
| M453 | 540 | N Caroline St | Block 1280 Lot 004 | 12 | R-8 | R-8 | C-2 |
| M454 | 620 | N Caroline St | Block 1280 Lot 003 | 12 | R-8 | R-8 | C-2 |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| M455 | 500 | N Central | Block 1295 Lot 001 | 12 | R-8 | R-8 | C-2 |
| M456 | 601 | N Central | Block 1280 Lot 001 | 12 | R-8 | R-8 | C-2 |
| M457 | 2520 | North Howard Street | 3634 011 | 12 | | C-3 | C-4 |
| M458 | 1400 | Orleans Street | Block 1280 Lot 005 | 12 | R-8 | R-8 | C-2 |
| M459 | 2700 | Remington Ave | 3645 034 | 12 | | I-MU | C-2 |
| M460 | 2718 | Remington Ave | 3645 033C | 12 | | C-1 | C-2 |
| M461 | 2722 | Remington Ave | 3645 033B | 12 | | C-1 | C-2 |
| M462 | 2724 | Remington Ave | 3645 033A | 12 | | C-1 | C-2 |
| M463 | 316 | S Eden St | 1425 011 | 12 | B-2 | R-8 | C-2 |
| M464 | 4-12 | S EXETER ST | 4 - 1360 001<br>6 - 1360 002<br>8 - 1360 003<br>10 - 1360 004<br>12 - 1360 005 | 12 | | C-1 | R-8 |
| M465 | 2701 | Sisson St | 3640 001 | 12 | M-2-2 | C-2 | OS |
| M466 | 2701 | Sisson St | 3640 001 | 12 | Unspecified | C-2 | OS |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| M467 | 2801 | Sisson St | 3643 001 | 12 | B-3-2 | I-MU | C-2 |
| M469 | 401 | W 26th St | 3630B 044 | 12 | M-2 | I-1 | I-MU |
| M470 | 501 | W 27th St | 3630B 026 | 12 | R-8, R-9, or R-10 | R-8 | C-1 |
| M471 | 541 | W 27th St | 3630B 042 | 12 | R-8, R-9, or R-10 | R-8 | C-1 |
| M474 | 515 | W 29th St | 3643 002 | 12 | B-3-2 | I-MU | C-2 |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| M475 | 398, 400 - 418 (even) | W 29th St | 398 - 3653 081<br>400 - 3653 071<br>402 - 3653 072<br>404 - 3653 073<br>406 - 3653 074<br>408 - 3653 075<br>410 - 3653 076<br>412 - 3653 077<br>414 - 3653 078<br>416 - 3653 079<br>418 - 3653 080 | 12 | Unspecified | C-1 | R-8 |
| M477 | 200 | W Lorraine Ave | 3639 044 | 12 | R-8, R-9, or R-10 | R-8 | C-1 |
| M478 | 201 | W Lorraine Ave | 3639 095A | 12 | R-8, R-9, or R-10 | R-8 | C-1 |
| M479 | 1000-02 | WATSON ST | 1361 010 and 1361 011 | 12 | | C-1 | R-8 |
| M480 | 906-14 | WATSON ST | 906 - 1360 009B<br>908 - 1360 006<br>910 - 1360 007<br>912 - 1360 009<br>914 - 1360 009A | 12 | | C-1 | R-8 |
| M481 | 401 | West 24th Street | 3619 058 | 12 | | R-8 | C-1 |
| M482 | 459 | West 24th Street | 3619 029 | 12 | | R-8 | C-1 |
| M483 | 310 | West 27th Street | 3645 035 | 12 | | I-MU | C-2 |
| M484 | 301 | West 28th Street | 3645 033 | 12 | | C-1 | C-2 |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| M485 | | | Block 0387 Lot 025B | 12 | null | unspecified | I-MU |
| M486 | | | Block 1246 Lot 018A | 12 | null | unspecified | OR-1 |
| M487 | | | Block 1393 | 12 | R-8 | R-8 | R-10 |
| M488 | | | Block 1395 | 12 | R-8 | R-8 | R-10 |
| M489 | | | Block 1417 | 12 | R-8 | R-8 | C-2 |
| M490 | | | Block 1418 | 12 | R-8 | R-8 | C-2 |
| M491 | | | Block 1419 | 12 | R-8 | R-8 | R-10 |
| M492 | | | Block 1426 | 12 | R-8 | R-8 | C-2 |

District 12 Map Amendments

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| M493 | | | Block 1427 | 12 | R-8 | R-8 | C-2 |
| M494 | | | Block 1428 | 12 | R-8 | R-8 | R-10 |
| M495 | | | Block 1717 | 12 | R-8 | R-8 | R-10 |
| M496 | | | Block 1295 Lot 002 (intersection of Orleans St and Aisquith St) | 12 | R-8 | R-8 | C-2 |
| M644 | 2600-2 | Huntingdon Ave | 3630A111 and 3630A108 | 12 | R-8 | R-8 | C-1 |
| M648 | 2601 | Miles Ave | 3630A 057B | 12 | R-9 | R-8 | OS |
| 667 | 000 Unit block | W 24th Street | | 12 | C-1 | | OR-1 |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| M750 | | Westside of Greenmount Ave between 26th St and Whitridge Ave | 2706 greenmount - 3845 004<br>2704 greenmount - 3845 003<br>2702 greenmount - 3845 002<br>2700 greenmount - 3845 001<br>2620 greenmount - 3836A 010<br>2618 greenmount - 3836A 009<br>2616 greenmount - 3836A 008<br>2614 greenmount - 3836A 007<br>2612 greenmount - 3836A 005<br>2610 greenmount - 3836A 004 | 12 | B-1-2 | R-7 | C-1 |
| M751 | 2505 | N Howard St | there is no 2505 n howard st | 12 | B-3-3 | C-4 | C-1 |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| M752 | 2700 (both sides) -2800 (odd) blocks | N Howard St | see below | 12 | R-7 | R-7 | R-6 |
| M753 | 2600 block | Maryland Ave | see below | 12 | R-8 | OR-2 | R-8 |
| M754 | 6 | N Central Ave | 1339 011 | 12 | B-3 | R-8 | C-3 |
| | 4-10 | S Central Ave | | 12 | B-3 | R-8 | C-2 |
| | 1251-1265 | E Fayette St | | 12 | | R-8 | C-2 |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | 2000 block | N Charles St | | 12 | | | C-2 |
| | 2400 block | Guilford Ave | | 12 | | | R-6 |
| | 2100-2124 | Harford Rd | | 12 | B-3-2 | R-7 | C-1 |
| | 2600 | N Charles St | | 12 | | C-2 | I-MU |
| | 408 | E Eager St | | 12 | | R-8 | I-MU |
| | 700 and 708 | E Monument St | | 12 | | C-1 | I-MU |
| | 709 | Harford Rd | | 12 | | C-1 | I-MU |
| | 900 and 912 | E Monument St | | 12 | | C-1 | I-MU |
| | 914 and 924 | E Monument St | | 12 | | C-1 | I-MU |
| | 926 and 938 | E Monument St | | 12 | | C-1 | I-MU |
| | 2600-2602 | Huntingdon Ave | | 12 | | | C-1 |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | 2601 | Miles Ave | | 12 | | | R-8 |
| | 500 | N Central Ave | | 12 | | R-8 | R-10 |
| | 704 and 706 | Ensor St | | 12 | | C-1 | I-MU |
| | 2500 block (eastside) | N Howard St | | 12 | | C-4 | C-1 |
| | 2200-2300 (eastside only) | N Howard St | | 12 | C-4 | C-3 | C-2 |
| | 2200-2400 (eastside only) | | | 12 | | C-1 | OR-1 |
| | 2530 | N Charles St | | 12 | OR | | C-2 |
| | 2701 and 2715 | N Charles St | | 12 | | C-1 | OR-2 |
| | | | | 12 | | | |
| | Unit block | W 24th St | | 12 | | | C-1 |

District 12 Map Amendments

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | 100 block | E 25th St | | 12 | | | |
| | 1208-1224 | E Baltimore St | | 12 | | | |
| | 218-236<br>219-237<br>300-330<br>301-315 | E 25th St<br>E 25th St<br>E 25th St<br>E 25th St | | 12 | | | |
| | | | Block 3834 Lot 022A<br>Block 3834 Lot 022B<br>Block 3834 Lot 049<br>Block 3834 Lot 049A<br>Block 3834 Lot 049C<br>Block 3834 Lot 050<br>Block 3834 Lot 050A<br>Block 3834 Lot 051 | 12 | | | |
| | Greater Charles Village Area | | | 12 | | | |
| M | | | | | | | |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| M | M752 - 2700 block of N Howard St (R-7 to R-6) | | 2700 - 3650B 013 | 2701 - 3646 043 | | | |
| M | | | 2702 - 3650B 014 | 2703 - 3646 044 | | R-7 | R-6 |
| M | | | 2704 - 3650B 015 | 2705 - 3646 045 | | R-7 | R-6 |
| M | | | 2706 - 3650B 016 | 2707 - 3646 046 | | R-7 | R-6 |
| M | | | 2708 - 3650B 017 | 2709 - 3646 047 | | R-7 | R-6 |
| M | | | 2710 - 3650B 018 | 2711 - 3646 048 | | R-7 | R-6 |
| M | | | 2712 - 3650B 019 | 2713 - 3646 049 | | R-7 | R-6 |
| M | | | 2714 - 3650B 020 | 2715 - 3646 050 | | R-7 | R-6 |
| M | | | 2716 - 3650B 021 | 2717 - 3646 051 | | R-7 | R-6 |
| M | | | 2718 - 3650B 022 | 2719 - 3646 052 | | R-7 | R-6 |
| M | | | 2720 - 3650B 023 | 2721 - 3646 053 | | R-7 | R-6 |
| M | | | 2722 - 3650B 024 | 2723 - 3646 054 | | R-7 | R-6 |
| M | | | 2724 - 3650B 025 | 2725 - 3646 055 | | R-7 | R-6 |
| M | | | 2726 - 3650B 026 | 2727 - 3646 056 | | R-7 | R-6 |

District 12 Map Amendments

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| M | | | 2728 - 3650B 027 | 2729 - 3646 057 | | R-7 | R-6 |
| M | | | 2730 - 3650B 028 | 2731 - 3646 058 | | R-7 | R-6 |
| M | | | 2732 - 3650B 029 | 2733 - 3646 059 | | R-7 | R-6 |
| M | | | 2734 - 3650B 030 | 2735 - 3646 060 | | R-7 | R-6 |
| M | | | 2736 - 3650B 031 | 2737 - 3646 061 | | R-7 | R-6 |
| M | M753 - 2600 block of Maryland Ave ( OR-2 to R-8) | 2600 - 3638 046 | | | | OR-2 | R-8 |
| M | | 2604 - 3638 045 | | | | OR-2 | R-8 |
| M | | 2606 - 3638 044 | | | | OR-2 | R-8 |
| M | | 2608 - 3638 043 | | | | OR-2 | R-8 |
| M | | 2612 - 3638 041 | | | | OR-2 | R-8 |
| M | | 2616 - 3638 040 | | | | OR-2 | R-8 |
| M | | 2618 - 3638 039 | | | | OR-2 | R-8 |
| M | | 2620 - 3638 038 | | | | OR-2 | R-8 |
| M | | 2622 - 3638 037 | | | | OR-2 | R-8 |
| M | | 2642 - 3638 031 | | | | OR-2 | R-8 |
| M | | 2644 - 3638 030 | | | | OR-2 | R-8 |
| M | | 2646 - 3638 029 | | | | OR-2 | R-8 |
| M | | 2648 - 3638 028 | | | | OR-2 | R-8 |
| M | | 2652 - 3638 026 | | | | OR-2 | R-8 |
| M | | 2654 - 3638 025 | | | | OR-2 | R-8 |
| M | | 2601 - 3637 050 | | | | OR-2 | R-8 |
| M | | 2603 - 3637 049 | | | | OR-2 | R-8 |
| M | | 2605 - 3637 048 | | | | OR-2 | R-8 |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| M | | 2607 - 3637 047 | | | | OR-2 | R-8 |
| M | | 2609 - 3637 046 | | | | OR-2 | R-8 |
| M | | 2611 - 3637 045 | | | | OR-2 | R-8 |
| M | | 2613 - 3637 044 | | | | OR-2 | R-8 |
| M | | 2615 - 3637 043 | | | | OR-2 | R-8 |
| M | | 2617 - 3637 042 | | | | OR-2 | R-8 |
| M | | 2619 - 3637 041 | | | | OR-2 | R-8 |
| M | | 2621 - 3637 040 | | | | OR-2 | R-8 |
| M | | 2641 - 3637 036 | | | | OR-2 | R-8 |
| M | | 2643 - 3637 035 | | | | OR-2 | R-8 |
| M | | 2645 - 3637 034 | | | | OR-2 | R-8 |
| M | | 2647 - 3637 033 | | | | OR-2 | R-8 |
| M | | 2649 - 3637 032 | | | | OR-2 | R-8 |
| M | | 2651 - 3637 031 | | | | OR-2 | R-8 |
| M | | 2653 - 3637 029 | | | | OR-2 | R-8 |

CITY OF BALTIMORE
CATHERINE E. PUGH, Mayor

BOARD OF MUNICIPAL AND ZONING APPEALS
DAVID C. TANNER, Executive Director
417 E. Fayette Street, Room 1432
Baltimore, Maryland 21202

January 2, 2018

The Honorable President and
Members of the City Council
City Hall
100 N. Holliday Street
Baltimore, MD 21202

**RE: CC Ord.17-0121: Rezoning – 300 Block of East 25 ½ Street (see accompanying plat) from the R-8 Zoning District (Rowhouse Residential) to the I-MU Zoning District (Industrial Mixed-Use)**

Ladies and Gentlemen:

City Council Bill No. 17-0121 has been referred by your Honorable Body to the Board of Municipal and Zoning Appeals for study and report.

The purpose of City Council Bill No. 17-0121 is to change the zoning of the properties located in the 300 Block of East 25 ½ Street as outlined in red on the accompanying plat, from the R-8 Zoning District (Rowhouse Residential) to the I-MU Zoning District (Industrial Mixed-Use).

After review and consideration of the proposed legislation, BMZA concurs with the recommendation of the Planning Commission and recommends passage of Bill No. 17-0121.

Sincerely,

David C. Tanner

David C. Tanner
Executive Director

DCT/djb

CC: Mr. Kyron Banks, Mayors Office of Council Relations
Ms. Natawna Austin, Office of the City Council President
Mr. Geoffrey Veale, Zoning Administrator

| FROM | | | CITY of BALTIMORE MEMO |
|---|---|---|---|
| | NAME & TITLE | Michelle Pourciau, Director | |
| | AGENCY NAME & ADDRESS | Department of Transportation (DOT)<br>417 E Fayette Street, Room 527 | |
| | SUBJECT | City Council Bill 17-0121 | |

TO The Honorable President and
Members of the City Council
c/o Natawna Austin
Room 400 City Hall

September 28, 2017

I am herein reporting on 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 to this bill, from the R-8 Zoning District to the I-MU Zoning District.

The Department of Transportation has no objection to this bill.

Respectfully,

Michelle Pourciau

Michelle Pourciau
Director

MP/lw

Cc: Kyron Banks, Mayor's Office

RECEIVED
OCT - 2 2017
BALTIMORE CITY COUNCIL
PRESIDENT'S OFFICE

No objection

CITY OF BALTIMORE

CATHERINE E. PUGH,
Mayor

DEPARTMENT OF LAW
ANDRE M. DAVIS, CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

RECEIVED
FEB 15 2018
BALTIMORE CITY COUNCIL
PRESIDENT'S OFFICE

February 15, 2018

The Honorable President and Members
of the Baltimore City Council
Attn: Natawna B. Austin, Executive Secretary
Room 409, City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202

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

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 17-0121 for form and legal sufficiency. The bill would change the zoning for the properties known as the 300 block of East 25 ½ Street from the R-8 Zoning District to the I-MU Zoning District.

The City Council may permit this rezoning if it finds facts sufficient to show either a mistake in the existing zoning classification or a substantial change in the character of the neighborhood. Md. Code, Land Use, §10-304(b)(2); Baltimore City Code, Art. 32, §§5-508(a) and (b)(1). There would appear to be no basis to believe that the neighborhood has substantially changed between the comprehensive rezoning of the property on June 5, 2017 and today's date. Therefore, to legally rezone the property the City Council must identify a "mistake" that lead to the inappropriate zoning of the property as R-8.

In determining whether to rezone on the basis of mistake, the City Council is required to make findings of fact, for each property, on the following matters: (1) population change; (2) the availability of public facilities; (3) the present and future transportation patterns; (4) compatibility with existing and proposed development; (5) the recommendations of the Planning Commission and the Board of Municipal and Zoning Appeals; and (6) the relationship of the proposed amendment to the City's plan. Md. Land Use Code Ann., §10-304(b)(1). *See also*, BCC, Art. 32, § 5-508(b)(2) (citing same factors with (v) being "the recommendations of the City agencies and officials," and (vi) being "the proposed amendment's consistency with the City's Comprehensive Master Plan."). Article 32 of the City Code also requires Council to consider: "(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." § 5-508(b)(3).

Fav w/ Comments

Council's decision regarding a piecemeal rezoning is reviewed under the substantial evidence test, and should be upheld "if reasoning minds could reasonably reach the conclusion from facts in the record." *Cty. Council of Prince George's Cty. v. Zimmer Dev. Co.*, 444 Md. 490, 510 (2015), *quoting*, *Cremins v. Cnty. Comm'rs of Washington Cnty.*, 164 Md.App. 426, 438 (2005). *See also*, *White v. Spring*, 109 Md. App. 692, 699, *cert. denied*, 343 Md. 680 (1996) ("the courts may not substitute their judgment for that of the legislative agency if the issue is rendered fairly debatable"); *Floyd v. County Council of Prince George's County*, 55 Md.App. 246, 258 (1983) ("'substantial evidence' means a little more than a 'scintilla of evidence.'").

With regard to rezoning on the basis of mistake, it is "firmly established that there is a strong presumption of the correctness of original zoning and of comprehensive rezoning." *People's Counsel v. Beachwood I Ltd. Partnership*, 107 Md. App. 627, 641 (1995), *quoting*, *Wells v. Pierpont*, 253 Md. 554, 557 (1969). To sustain a piecemeal change, there must be substantial evidence that "the Council failed to take into account then existing facts . . . so that the Council's action was premised . . . on a misapprehension." *White v. Spring*, 109 Md. App. at 698, *quoting*, *People's Counsel*, 107 Md. App. at 645. In other words, "[a] conclusion based upon a factual predicate that is incomplete or inaccurate may be deemed in zoning law, a mistake or error; an allegedly aberrant conclusion based on full and accurate information, by contrast, is simply a case of bad judgment, which is immunized from second-guessing." 109 Md. App. at 698. "Error can be established by showing that at the time of the comprehensive zoning the Council failed to take into account then existing facts, or projects or trends which were reasonably foreseeable of fruition in the future, so that the Council's action was premised initially on a misapprehension[,]" [and] "by showing that events occurring subsequent to the comprehensive zoning have proven that the Council's initial premises were incorrect." *Boyce v. Sembly*, 25 Md. App. 43, 51 (1975) (citations omitted). "Thus, unless there is probative evidence to show that there were then existing facts which the Council, in fact, failed to take into account, or subsequently occurring events which the Council could not have taken into account, the presumption of validity accorded to comprehensive zoning is not overcome and the question of error is not 'fairly debatable.'" *Id.* at 52.

A finding of mistake, however, absent a regulatory taking, merely permits the further consideration of rezoning, it does not mandate a rezoning. *White*, 109 Md. App. at 708. Rather, a second inquiry "regarding whether, and if so, how, the property is reclassified," is required. *Id.* at 709. This second conclusion is due great deference. *Id.* (after a prior mistake has been established and accepted as fact by a legislative zoning entity, that entity's decision as to whether to rezone, and if so, how to reclassify, is due the same deference the prior comprehensive rezoning was due).

In sum, the Land Use and Transportation Committee (the "Committee") is required to hold a quasi-judicial public hearing with regard to the bill wherein it will hear and weigh the evidence as presented in: (1) the Planning Report and other agency reports; (2) testimony from the Planning Department and other City agency representatives; and (3) testimony from members of the public and interested persons. After weighing the evidence presented and submitted into the record before it, the Committee is required to make findings of fact for each property with regard to the factors in §§10-304 and 10-305 of the Land Use Article and § 5-508 of Article 32. If, after its investigation of the facts, the Committee makes findings which support: (1) a mistake in the comprehensive

zoning; and (2) a new zoning classification for the properties, it may adopt these findings and the legal requirements for granting the rezoning would be met.

The Law Department notes that the basis of the mistake here appears to be an error in the final version of the zoning map, which is inconsistent with what was adopted by Council. The Planning Report states that the property was to be rezoned R-8 as part of the initial mapping for the comprehensive rezoning. As part of the public review process, a request was made and adopted by City Council to rezone the property as Industrial Mixed Use. This change was not made, however, on the zoning map. (*See* Report at 1). Maryland caselaw has approved this type of mistake as the basis for a change in a zoning classification. *See Tennison v. Shomette*, 38 Md. App. 1, 6-7 (1977), *cert. denied*, 282 Md. 739 (1978) (mistake found where County Commissioners intended to zone the property C-2 but zoned the property C-1 instead). **The Planning Report, however, does not supply all the facts required by law to support the rezoning. It would be useful to have evidence that the City Council actually intended to rezone the property to Industrial Mixed Use. Moreover, the Report does not discuss the additional considerations required by Section 5-508(b)(3) of Article 32. Therefore, the City Council may base its findings on other testimony presented at the hearing.**

Finally, certain procedural requirements apply to this bill beyond those discussed above because a change in the zoning classification of a property is deemed a "legislative authorization." BCC Art. 32, § 5-501(2)(iii). Specifically, notice of the City Council hearing must be given by publication in a newspaper of general circulation in the City, by posting in a conspicuous place on the property and by first-class mail, on forms provided by the Zoning Administrator, to each person who appears on the tax records of the City as an owner of the property to be rezoned. Art. 32, §5-601(b). The notice of the City Council hearing must include the date, time, place and purpose of the hearing, as well as the address of the property and the name of the applicant. Art. 32, §5-601(c). The posted notices must be at least 3 feet by 4 feet in size, placed at a prominent location, and at least one sign must be visible from each of the property's street frontages. Art. 32, §5-601(d). The published and mailed notices must be given at least 15 days before the hearing; the posted notice must be at least 30 days before the public hearing. Art. 32, §5-601(e) and (f).

The bill is the appropriate method for the City Council to review the facts and make the determination as to whether the legal standard for rezoning has been met. Assuming the required findings are made at the hearing and all procedural requirements are satisfied, the Law Department approves the bill for form and legal sufficiency.

Sincerely,

Victor K. Tervala
Chief Solicitor

cc: Andre M. Davis, City Solicitor
Karen Stokes, Director, Mayor's Office of Government Relations
Kyron Banks, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Hilary Ruley, Chief Solicitor
Jennifer Landis, Assistant Solicitor

The Baltimore City Department of
HOUSING & COMMUNITY
DEVELOPMENT

# MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council
c/o Natawna Austin, Executive Secretary

From: Michael Braverman, Housing Commissioner MBM

Date: January 18, 2018

Re: **City Council Bill 17-0121 – Rezoning – 300 Block of East 25 ½ Street**

---

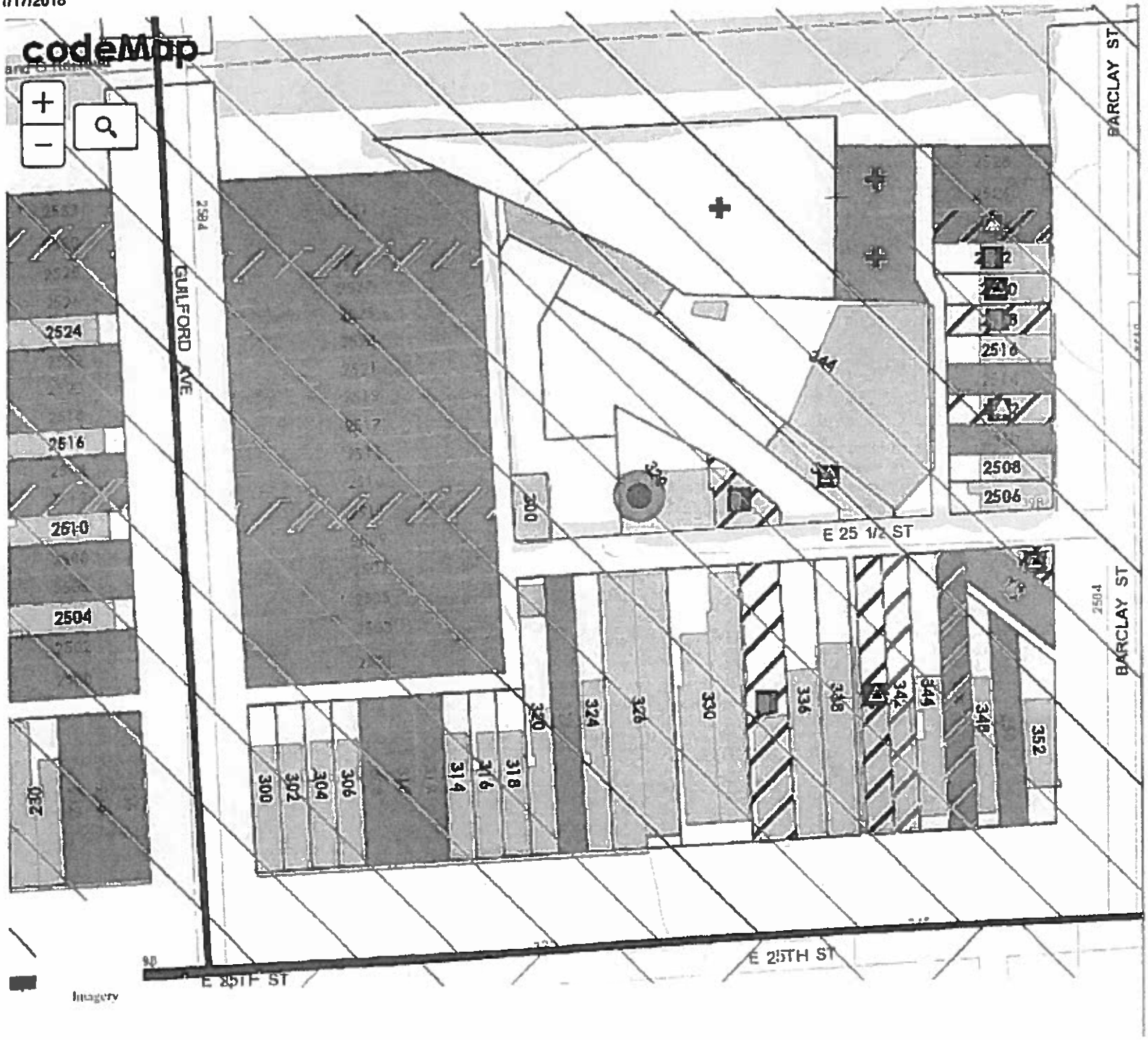
The Department of Housing and Community Development (HCD) has reviewed City Council Bill 17- 0121, for the purpose of rezoning - 300 Block of East 25 ½ Street For the purpose of changing the zoning for the properties known as the 300 block of East 25 ½ Street (Block 3834, Lot 49 (300 East 25 ½ Street); 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.

If enacted, this bill would correct a clerical error that was made during the mapping of the citywide rezoning project and rezone the properties to the I-MU zoning district from the R-8 zoning district. The properties are located in the southern end of the Harwood neighborhood close to railroad tracks and were designed for commercial and industrial usage.

The Department of Housing and Community Development supports the passage of City Council Bill 17-0121.

MB:sd

cc: Ms. Karen Stokes, *Mayor's Office of Government Relations*
Mr. Kyron Banks, *Mayor's Office of Government Relations*

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Support petition for zoning change from R8 to (IMU) bill #17-0121 2/20/2018

To Councilman Robert Stokes
Baltimore City Council 12th District
100 North Holiday Street Room 523
Baltimore Maryland 21202.

We the undersigned property owners of 300-344 East 251/2 Street Baltimore Maryland 21218 Block # 3834 Lot #s 49,49a,49b,49c,50,50a,52,51, do hereby request an amendment to change The present zoning from R8-to (IMU) Industrial mixed use.
We are making efforts to revitalize these parcels of land which has the potential for redevelopment And job creation in the neighborhood with strong support of Charles Village Civic Association (CVCA).
During the late part of 2016 in the final map process of Rewrite- Rezone Baltimore Bill #12-0152 proposed Law the changes mysteriously disappeared. With that in mind your much needed help is essential for permanent change.

Thank you
Sincerely

| | | | |
|---|---|---|---|
| Eric J Frank | Ryan T Parnell | Peter V Elmo | ~~Da properties LLC~~ Brick Mana LLC Pending Buyer 2/23/18 Closing Brett Lambert Representative |

received
2-21-18 gfe

February 21, 2018

To: Baltimore City Zoning Commission C/O Councilman Robert Stokes

From: Ryan Parnell, Owner 320 e 25 ½ St

RE: Reason for Absence at Zoning Hearing

To Whom it May Concern:

My apologies for not attending the zoning hearing today regarding Lots 049a, 049b, 049c, 050, 052 (My wife is expecting a baby). I authorize Eric Frank to speak on my behalf as we have been working together on the IMU zoning reclassification.

Thanks

Ryan Parnell
(240) 418-9221

received
2-21-18 fhc

February 21, 2018

To: Baltimore City Zoning Commission C/O Councilman Robert Stokes

From: Ryan Parnell, Owner 320 e 25 ½ St

RE: Letter of Intent regarding property use

To Whom it May Concern:

Lots 049a, 049b, 049c, 050, 052 (block 3834) will be used by my business, Parnell Industries LLC, as a light metalworking shop, and woodworking shop, and storage space, in compliance with the IMU zoning reclassification.

Thanks

Ryan Parnell
(240) 418-9221

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor

OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

# HEARING NOTES

## Bill: 17-0121

### Rezoning - 300 Block of East 25 ½ Street

**Committee:** Land Use and Transportation
**Chaired By:** Councilmember Edward Reisinger

**Hearing Date:** February 21, 2017
**Time (Beginning):** 3:55 PM
**Time (Ending):** 4:15 PM
**Location:** Clarence "Du" Burns Chamber
**Total Attendance:** ~20
**Committee Members in Attendance:**
Reisinger, Edward, Chairman
Middleton, Sharon, Vice Chair
Costello, Eric
Dorsey, Ryan
Pinkett, Leon
Stokes, Robert
Clarke, Mary Pat

| | | | |
|---|---|---|---|
| **Bill Synopsis in the file?** | ☒ yes | ☐ no | ☐ n/a |
| **Attendance sheet in the file?** | ☒ yes | ☐ no | ☐ n/a |
| **Agency reports read?** | ☒ yes | ☐ no | ☐ n/a |
| **Hearing televised or audio-digitally recorded?** | ☒ yes | ☐ no | ☐ n/a |
| **Certification of advertising/posting notices in the file?** | ☒ yes | ☐ no | ☐ n/a |
| **Evidence of notification to property owners?** | ☒ yes | ☐ no | ☐ n/a |
| **Final vote taken at this hearing?** | ☒ yes | ☐ no | ☐ n/a |

**Motioned by:** ..... **Councilmember** Middleton, Sharon
**Seconded b** ..... **Councilmember** Pinkett, III Leon
**Final Vote:** ..... Favorable

## Major Speakers

*(This is not an attendance record.)*

- Mr.Martin French, Department of Planning
- Derrick Baumgardner, Board of Municipal Zoning Appeals
- Mr. Eric Frank, Property Owners
- Ms. Sandra Sparks

---

## Major Issues Discussed

1. Mr. Tiso presented the Planning Commission's report and discussed the Planning Department's findings. He presented the committee with additional findings in written form.
2. Agency positions were read. Agency representatives confirmed support of their respective agency's position on the bill.
3. Mr. Frank spoke about the use and redevelopment plan for the property.
4. Ms. Sandra Sparks spoke in support of the rezoning.
5. The committee reviewed and discussed the bill.
6. The committee approved finding of facts for the bill.

---

## Further Study

**Was further study requested?** ☐ **Yes** ☒ **No**

**If yes, describe.**

---

## Committee Vote:

Reisinger, Edward, Chairman ..... **Yea**
Middleton, Sharon, Vice Chair ..... **Yea**
Clarke, Mary Pat ..... **Yea**
Costello, Eric ..... **Yea**
Dorsey, Ryan ..... **Yea**
Pinkett, Leon ..... **Yea**
Stokes, Robert: ..... **Yea**

---

Jennifer L. Coates, Committee Staff JLC Date: February 22, 2018
cc: Bill File
OCS Chrono File

# CITY OF BALTIMORE
# CITY COUNCIL HEARING ATTENDANCE RECORD

| | | |
|---|---|---|
| **Committee: Land Use and Transportation** | | **Chairperson: Edward Reisinger** |
| **Date: February 21, 2018** | **Time: 1:15 PM** | **Place: Clarence "Du" Burns Chambers** |
| **Subject: Ordinance - Rezoning - 300 Block of East 25 ½ Street** | | **CC Bill Number: 17-0121** |

## PLEASE PRINT

***IF YOU WANT TO TESTIFY PLEASE CHECK HERE***

| FIRST NAME | LAST NAME | ST. # | ADDRESS/ORGANIZATION NAME | ZIP | EMAIL ADDRESS | TESTIFY | WHAT IS YOUR POSITION ON THIS BILL? FOR | AGAINST | (*) LOBBYIST: ARE YOU REGISTERED IN THE CITY YES | NO |
|---|---|---|---|---|---|---|---|---|---|---|
| John | Doe | 100 | North Charles Street | 21202 | Johndoenbmore@yahoo.com | √ | √ | √ | √ | √ |
| SANDRA | SPARKS | 2942 | GUILFORD AVE | 21218 | srsparks@verizon.net | √ | √ | | | |
| ERIC | FRANK | | 3442 25½ | 21208 | YIP2000@MSN.COM | √ | | | | |
| [redacted] | [redacted] | | [redacted] | | [redacted] | | | [redacted] | | [redacted] |
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(*) NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER WITH THE CITY ETHICS BOARD. REGISTRATION IS A SIMPLE PROCESS. FOR INFORMATION AND FORMS, CALL OR WRITE: BALTIMORE CITY BOARD OF ETHICS, C/O DEPARTMENT OF LEGISLATIVE REFERENCE, 626 CITY HALL, BALTIMORE, MD 21202. TEL: 410-396-4730: FAX: 410-396-8483.

# BALTIMORE CITY COUNCIL
# LAND USE AND TRANSPORTATION COMMITTEE

*Mission Statement*

***On behalf of the Citizens of Baltimore City***, the mission of the Land Use and Transportation Committee is to review and support responsible development and zoning initiatives to ensure compatibility with the aim of improving the quality of life for the diverse population of Baltimore City.

## The Honorable Edward Reisinger
## Chairperson

## PUBLIC HEARING

**Wednesday, February 21, 2018**
**1:15 PM**
**Clarence "Du" Burns Council Chambers**

***City Council Bill # 17-0121***

***Rezoning - 300 Block of East 25 ½ Street***

# CITY COUNCIL COMMITTEES

**BUDGET AND APPROPRIATIONS**
Eric Costello – Chair
Leon Pinkett – Vice Chair
Bill Henry
Sharon Green Middleton
Brandon M. Scott
Isaac "Yitzy" Schleifer
Shannon Sneed
*Staff: Marguerite Currin*

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Mary Pat Clarke – Vice Chair
John Bullock
Kristerfer Burnett
Ryan Dorsey
*Staff: D'Paul Nibber*

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Kristerfer Burnett– Vice Chair
Mary Pat Clarke
Zeke Cohen
Isaac "Yitzy" Schleifer
*Staff: Marguerite Currin*

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Brandon Scott
Robert Stokes
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**LABOR**
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*Staff: Marguerite Currin*

**LAND USE AND TRANSPORTATION**
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Leon Pinkett
Robert Stokes
*Staff: Jennifer Coates*

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Ryan Dorsey – Vice Chair
Kristerfer Burnett
Shannon Sneed
Zeke Cohen
Leon Pinkett
Isaac "Yitzy" Schleifer
*Staff: Richard Krummerich*

**TAXATION, FINANCE AND ECONOMIC DEVELOPMENT**
Sharon Green Middleton – Chair
Leon Pinkett – Vice Chair
Eric Costello
Edward Reisinger
Robert Stokes
*Staff: Jennifer Coates*
- *Larry Greene* ***(pension only)***

Rev. 10/11/17

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor

OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

# BILL SYNOPSIS

**Committee: Land Use and Transportation**

**Bill 17-0121**

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## Rezoning - 300 Block of East 25 ½ Street

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***Sponsor:*** *Councilmember Stokes*
***Introduced:*** *September 11, 2017*

**Purpose:**

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..

**Effective:** 30th day after enactment

**Hearing Date/Time/Location:** February 21, 2018 /1:15 p.m./Clarence "Du" Burns Chambers

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## Agency Reports

| | |
|---|---|
| Planning Commission | Favorable |
| Board of Municipal and Zoning Appeals | Favorable |
| Department of Law | Favorable/Comments |
| Department of Transportation | No Objection |
| Department of Housing and Community Development | Favorable |
| Baltimore Development Corporation | |

---

## Analysis

**Current Law**

Article 32 – Zoning District Map; Sheet 36; Baltimore City Revised Code (Edition 2000)

**Background**

CC Bill 17-0121, if approved, would permit

CC Bill 17-0121, if approved, would rezone the properties located in the 300 block of East 25-1/2 Street from the R-8 Zoning District to the I-MU Zoning District. The property was proposed to be rezoned R-8 as part of the initial mapping effort in support of the Citywide comprehensive rezoning project. A request was made to instead rezone the properties Industrial Mixed-Use (I-MU) during the comprehensive rezoning process and that change was adopted by the City Council.

The current and proposed zoning districts as allowed under Article 32 are described below:

**Current Zoning District – R-8**

§ 9-204 Rowhouse Residential District.

(a) Neighborhoods.
The R-8 Rowhouse Residential Zoning District is intended to accommodate and maintain the traditional form of urban rowhouse development typical of many of the City's inner neighborhoods, which contain continuous, block-long rowhouse development built to or only modestly set back from the street.

(b) Housing types.
Although rowhouse is the predominant housing type, this district also accommodates other residential types, of a similar density, including detached and semi-detached dwellings, and multi-family developments of a larger scale than found in more restrictive zoning districts.

**Proposed Zoning District – I-MU**

§ 11-203. I-MU Industrial Mixed-Use District.
(a) Intent.
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.

The subject site is owned by Peter Elmo, Ryan Parnell, Victoria Property Holdings (Peter Pecovic), and Eric Frank, the applicant.

Situated on the north side of East 25-1/2 Street, the property is 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. The property is located in the Harwood neighborhood. The general area is residential in nature except for a few industrial and commercial buildings along the railroad tracks on the south side of 26th Street.

The properties were analyzed and approved for designation at an I-MU zoning district during the comprehensive rezoning process, but were not mapped accurately. There was a mistake in the existing zoning classification on the final map. Buildings on the site will retain their commercial and industrial usage. Rezoning the property to I-MU will keep the buildings in productive use and help to stabilize the community.

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## Additional Information

**Fiscal Note:** Not Available

**Information Source(s):** Agency reports

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Analysis by: Jennifer L. Coates JLC Direct Inquiries to: (410) 396-1260
Analysis Date: February 17, 2018

# CITY OF BALTIMORE
# COUNCIL BILL 17-0121
# (First Reader)

Introduced by: Councilmember Stokes
At the request of: Eric Frank
Address: 4 Hallsdale Court, Rosedale, Maryland 21237
Telephone: 443-621-2810
Introduced and read first time: September 11, 2017
Assigned to: Land Use and Transportation Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning Appeals, Planning Commission, Department of Housing and Community Development, Baltimore Development Corporation, Department of Transportation

A BILL ENTITLED

AN ORDINANCE concerning

**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.

BY amending
Article 32 - Zoning
Zoning District Map
Sheet 36
Baltimore City Revised Code
(Edition 2000)

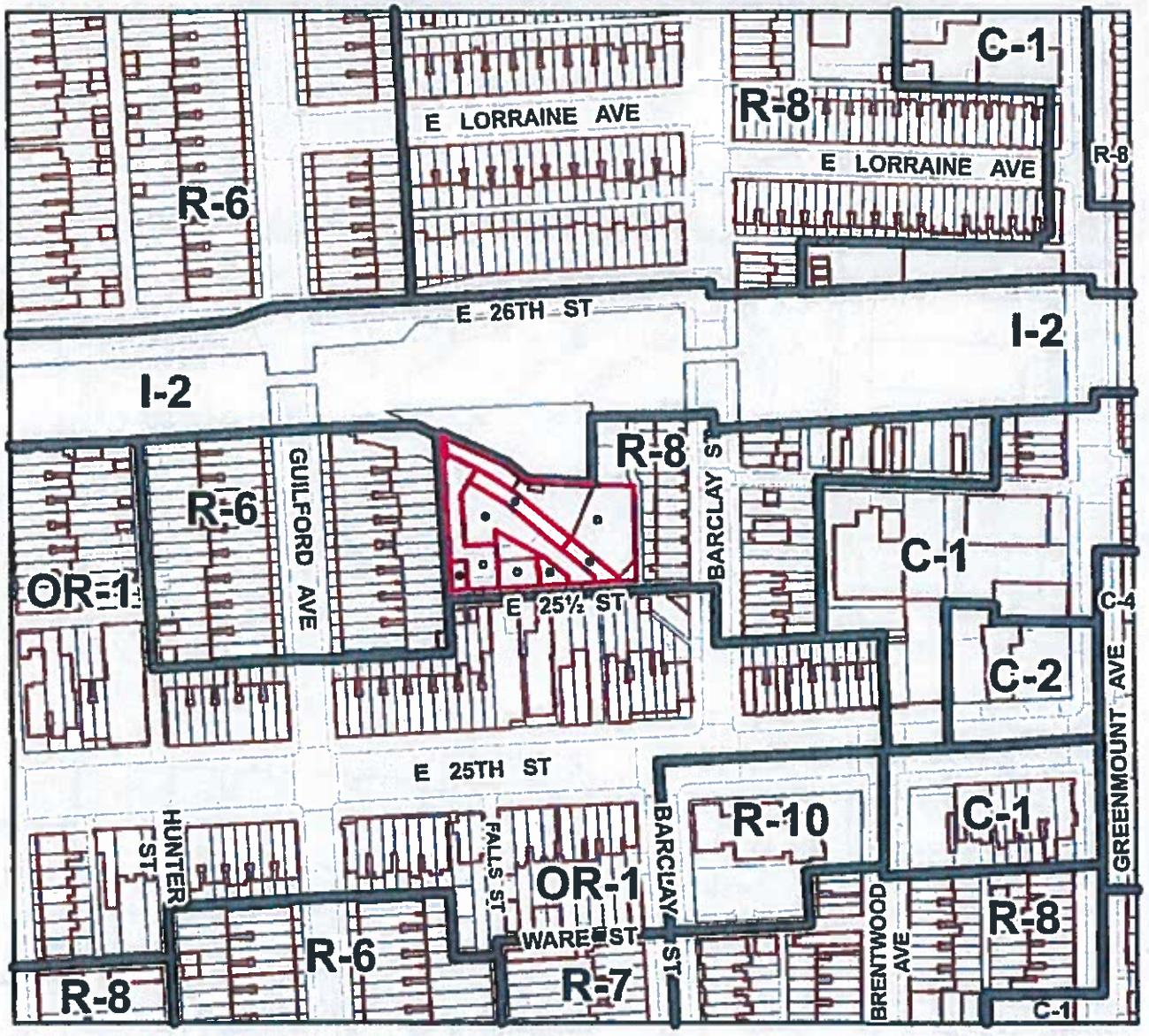
**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That Sheet 36 of the Zoning District Map is amended by changing from the R-8 Zoning District to the I-MU Zoning District the properties known as the 300 block of East 25 ½ Street (Block 3834, Lot 49 (300 East 25 ½ Street); Lot 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 25 ½ Street)), as outlined in red on the plat accompanying this Ordinance.

**SECTION 2. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

1 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
2 after the date it is enacted.

# SHEET NO. 36 OF THE ZONING MAP OF THE ZONING CODE OF BALTIMORE CITY




Scale: 1" = 200'

**Note:** In Connection With Properties Known As:

- ● 1) 300 E 25 1/2 Street (Lot 49)
- ○ 2) NE E 25 1/2 Street 231 Ft W Of Barclay Street (Lot 49A)
- ○ 3) 320 E 25 1/2 Street (Lot 49B)
- ● 4) NS E 25 1/2 Street 149-8 Ft W Of Barclay Street (Lot 49C)
- ● 5) NS E 25 1/2 Street 114-10 Ft W Of Barclay Street (Lot 50)
- ● 6) 342 E 25 1/2 Street (Lot 50A)
- ○ 7) 344 E 25 1/2 Street (Lot 51)
- ● 8) NES Easement Rear 342 25 1/2 Street (Lot 52)

The Applicant Wishes To Request The Rezoning Of The Aforementioned Properties From R-8 Zoning to IMU Zoning, As Outlined In Various Color Circles Above.

WARD 12 SECTION 15

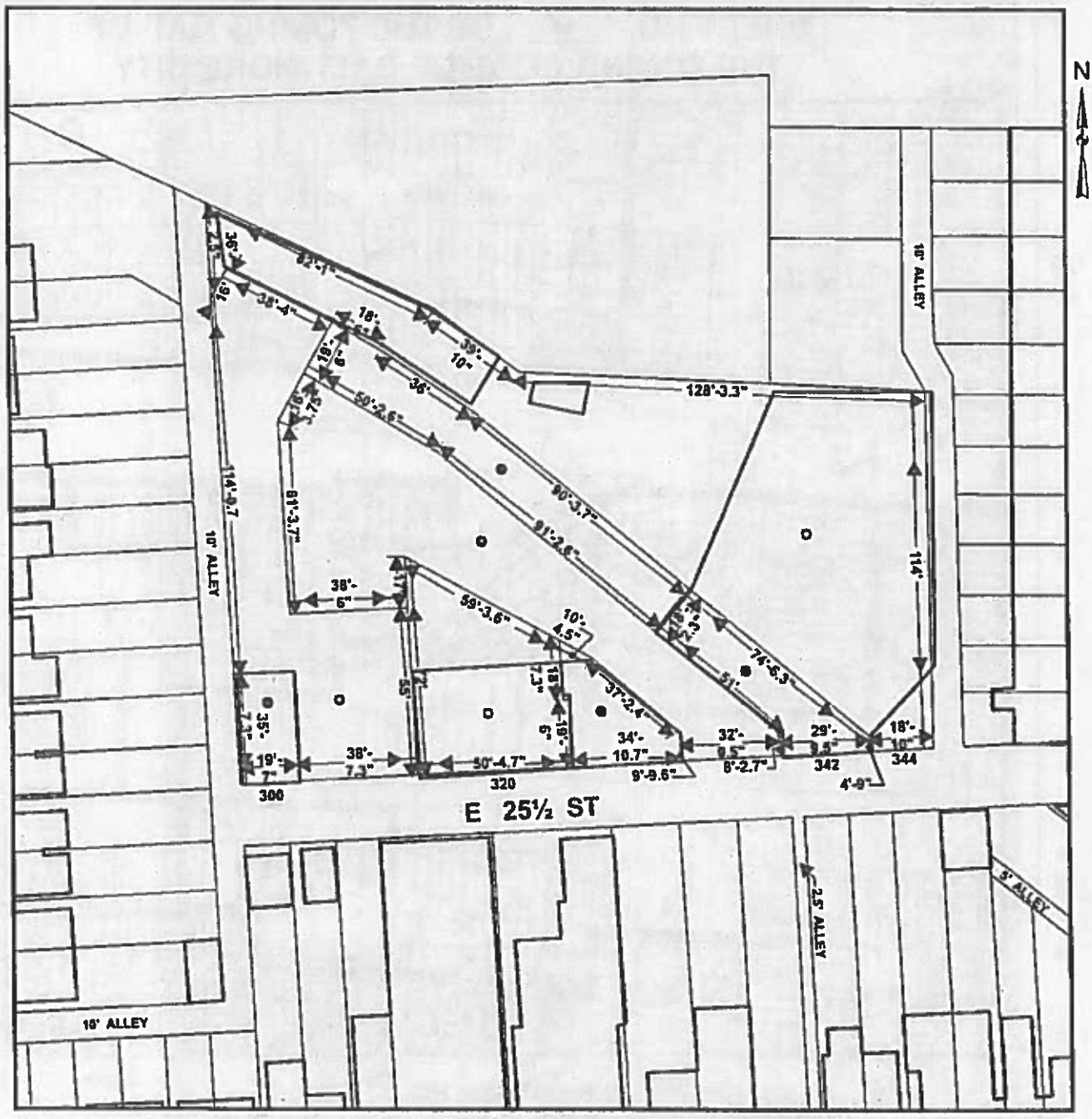
BLOCK 3834 LOTS 49, 49A, 49B, 49C, 50, 50A, 51 & 52

MAYOR

PRESIDENT CITY COUNCIL

RPE 8-23-17

121




Scale: 1" = 50'

- ● 1) 300 E 25 1/2 Street (Lot 49)
- ○ 2) NE E 25 1/2 Street 231 Ft W Of Barclay Street (Lot 49A)
- ○ 3) 320 E 25 1/2 Street (Lot 49B)
- ● 4) NS E 25 1/2 Street 149-8 Ft W Of Barclay Street (Lot 49C)
- ○ 5) NS E 25 1/2 Street 114-10 Ft W Of Barclay Street (Lot 50)
- ● 6) 342 E 25 1/2 Street (Lot 50A)
- ○ 7) 344 E 25 1/2 Street (Lot 51)
- ● 8) NES Easement Rear 342 25 1/2 Street (Lot 52)

Sheet 2

RPE 8-23-17

Google Maps


Imagery ©2018 Google, Map data ©2018 Google 50 ft

LAND USE AND TRANSPORTATION COMMITTEE

# BILL 17-0121

# AGENCY REPORTS

| | |
|---|---|
| Planning Commission | Favorable |
| Board of Municipal Zoning Appeals | Favorable |
| Department of Transportation | No Objection |
| Department of Law | Favorable/Comments |
| Department of Housing and Community Development | Favorable |
| Baltimore Development Corporation | |

| FROM | | | CITY of BALTIMORE MEMO |
|---|---|---|---|
| | NAME & TITLE | THOMAS J. STOSUR, DIRECTOR | |
| | AGENCY NAME & ADDRESS | DEPARTMENT OF PLANNING<br>8TH FLOOR, 417 EAST FAYETTE STREET | |
| | SUBJECT | CITY COUNCIL BILL #17-0121 / REZONING – 300 BLOCK OF EAST 25 ½ STREET | |

TO

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

DATE: 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**

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor

BOARD OF MUNICIPAL AND ZONING APPEALS

DAVID C. TANNER, Executive Director
417 E. Fayette Street, Room 1432
Baltimore, Maryland 21202

January 2, 2018

The Honorable President and
Members of the City Council
City Hall
100 N. Holliday Street
Baltimore, MD 21202

**RE: CC Ord.17-0121: Rezoning – 300 Block of East 25 ½ Street (see accompanying plat) from the R-8 Zoning District (Rowhouse Residential) to the I-MU Zoning District (Industrial Mixed-Use)**

Ladies and Gentlemen:

City Council Bill No. 17-0121 has been referred by your Honorable Body to the Board of Municipal and Zoning Appeals for study and report.

The purpose of City Council Bill No. 17-0121 is to change the zoning of the properties located in the 300 Block of East 25 ½ Street as outlined in red on the accompanying plat, from the R-8 Zoning District (Rowhouse Residential) to the I-MU Zoning District (Industrial Mixed-Use).

After review and consideration of the proposed legislation, BMZA concurs with the recommendation of the Planning Commission and recommends passage of Bill No. 17-0121.

Sincerely,

David C. Tanner

David C. Tanner
Executive Director

DCT/djb

CC: Mr. Kyron Banks, Mayors Office of Council Relations
Ms. Natawna Austin, Office of the City Council President
Mr. Geoffrey Veale, Zoning Administrator

CITY OF BALTIMORE

CATHERINE E. PUGH,
Mayor

DEPARTMENT OF LAW
ANDRE M. DAVIS, CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

February 15, 2018

The Honorable President and Members
of the Baltimore City Council
Attn: Natawna B. Austin, Executive Secretary
Room 409, City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202

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

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 17-0121 for form and legal sufficiency. The bill would change the zoning for the properties known as the 300 block of East 25 ½ Street from the R-8 Zoning District to the I-MU Zoning District.

The City Council may permit this rezoning if it finds facts sufficient to show either a mistake in the existing zoning classification or a substantial change in the character of the neighborhood. Md. Code, Land Use, §10-304(b)(2); Baltimore City Code, Art. 32, §§5-508(a) and (b)(1). There would appear to be no basis to believe that the neighborhood has substantially changed between the comprehensive rezoning of the property on June 5, 2017 and today's date. Therefore, to legally rezone the property the City Council must identify a "mistake" that lead to the inappropriate zoning of the property as R-8.

In determining whether to rezone on the basis of mistake, the City Council is required to make findings of fact, for each property, on the following matters: (1) population change; (2) the availability of public facilities; (3) the present and future transportation patterns; (4) compatibility with existing and proposed development; (5) the recommendations of the Planning Commission and the Board of Municipal and Zoning Appeals; and (6) the relationship of the proposed amendment to the City's plan. Md. Land Use Code Ann., §10-304(b)(1). *See also*, BCC, Art. 32, § 5-508(b)(2) (citing same factors with (v) being "the recommendations of the City agencies and officials," and (vi) being "the proposed amendment's consistency with the City's Comprehensive Master Plan."). Article 32 of the City Code also requires Council to consider: "(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." § 5-508(b)(3).

Council's decision regarding a piecemeal rezoning is reviewed under the substantial evidence test, and should be upheld "if reasoning minds could reasonably reach the conclusion from facts in the record." *Cty. Council of Prince George's Cty. v. Zimmer Dev. Co.*, 444 Md. 490, 510 (2015), *quoting*, *Cremins v. Cnty. Comm'rs of Washington Cnty.*, 164 Md.App. 426, 438 (2005). *See also*, *White v. Spring*, 109 Md. App. 692, 699, *cert. denied*, 343 Md. 680 (1996) ("the courts may not substitute their judgment for that of the legislative agency if the issue is rendered fairly debatable"); *Floyd v. County Council of Prince George's County*, 55 Md.App. 246, 258 (1983) ("'substantial evidence' means a little more than a 'scintilla of evidence.'").

With regard to rezoning on the basis of mistake, it is "firmly established that there is a strong presumption of the correctness of original zoning and of comprehensive rezoning." *People's Counsel v. Beachwood I Ltd. Partnership*, 107 Md. App. 627, 641 (1995), *quoting*, *Wells v. Pierpont*, 253 Md. 554, 557 (1969). To sustain a piecemeal change, there must be substantial evidence that "the Council failed to take into account then existing facts . . . so that the Council's action was premised . . . on a misapprehension." *White v. Spring*, 109 Md. App. at 698, *quoting*, *People's Counsel*, 107 Md. App. at 645. In other words, "[a] conclusion based upon a factual predicate that is incomplete or inaccurate may be deemed in zoning law, a mistake or error; an allegedly aberrant conclusion based on full and accurate information, by contrast, is simply a case of bad judgment, which is immunized from second-guessing." 109 Md. App. at 698. "Error can be established by showing that at the time of the comprehensive zoning the Council failed to take into account then existing facts, or projects or trends which were reasonably foreseeable of fruition in the future, so that the Council's action was premised initially on a misapprehension[,]" [and] "by showing that events occurring subsequent to the comprehensive zoning have proven that the Council's initial premises were incorrect." *Boyce v. Sembly*, 25 Md. App. 43, 51 (1975) (citations omitted). "Thus, unless there is probative evidence to show that there were then existing facts which the Council, in fact, failed to take into account, or subsequently occurring events which the Council could not have taken into account, the presumption of validity accorded to comprehensive zoning is not overcome and the question of error is not 'fairly debatable.'" *Id.* at 52.

A finding of mistake, however, absent a regulatory taking, merely permits the further consideration of rezoning, it does not mandate a rezoning. *White*, 109 Md. App. at 708. Rather, a second inquiry "regarding whether, and if so, how, the property is reclassified," is required. *Id.* at 709. This second conclusion is due great deference. *Id.* (after a prior mistake has been established and accepted as fact by a legislative zoning entity, that entity's decision as to whether to rezone, and if so, how to reclassify, is due the same deference the prior comprehensive rezoning was due).

In sum, the Land Use and Transportation Committee (the "Committee") is required to hold a quasi-judicial public hearing with regard to the bill wherein it will hear and weigh the evidence as presented in: (1) the Planning Report and other agency reports; (2) testimony from the Planning Department and other City agency representatives; and (3) testimony from members of the public and interested persons. After weighing the evidence presented and submitted into the record before it, the Committee is required to make findings of fact for each property with regard to the factors in §§10-304 and 10-305 of the Land Use Article and § 5-508 of Article 32. If, after its investigation of the facts, the Committee makes findings which support: (1) a mistake in the comprehensive

zoning; and (2) a new zoning classification for the properties, it may adopt these findings and the legal requirements for granting the rezoning would be met.

The Law Department notes that the basis of the mistake here appears to be an error in the final version of the zoning map, which is inconsistent with what was adopted by Council. The Planning Report states that the property was to be rezoned R-8 as part of the initial mapping for the comprehensive rezoning. As part of the public review process, a request was made and adopted by City Council to rezone the property as Industrial Mixed Use. This change was not made, however, on the zoning map. (*See* Report at 1). Maryland caselaw has approved this type of mistake as the basis for a change in a zoning classification. *See Tennison v. Shomette*, 38 Md. App. 1, 6-7 (1977), *cert. denied*, 282 Md. 739 (1978) (mistake found where County Commissioners intended to zone the property C-2 but zoned the property C-1 instead). **The Planning Report, however, does not supply all the facts required by law to support the rezoning. It would be useful to have evidence that the City Council actually intended to rezone the property to Industrial Mixed Use. Moreover, the Report does not discuss the additional considerations required by Section 5-508(b)(3) of Article 32. Therefore, the City Council may base its findings on other testimony presented at the hearing.**

Finally, certain procedural requirements apply to this bill beyond those discussed above because a change in the zoning classification of a property is deemed a "legislative authorization." BCC Art. 32, § 5-501(2)(iii). Specifically, notice of the City Council hearing must be given by publication in a newspaper of general circulation in the City, by posting in a conspicuous place on the property and by first-class mail, on forms provided by the Zoning Administrator, to each person who appears on the tax records of the City as an owner of the property to be rezoned. Art. 32, §5-601(b). The notice of the City Council hearing must include the date, time, place and purpose of the hearing, as well as the address of the property and the name of the applicant. Art. 32, §5-601(c). The posted notices must be at least 3 feet by 4 feet in size, placed at a prominent location, and at least one sign must be visible from each of the property's street frontages. Art. 32, §5-601(d). The published and mailed notices must be given at least 15 days before the hearing; the posted notice must be at least 30 days before the public hearing. Art. 32, §5-601(e) and (f).

The bill is the appropriate method for the City Council to review the facts and make the determination as to whether the legal standard for rezoning has been met. Assuming the required findings are made at the hearing and all procedural requirements are satisfied, the Law Department approves the bill for form and legal sufficiency.

Sincerely,

Victor K. Tervala
Chief Solicitor

cc: Andre M. Davis, City Solicitor
Karen Stokes, Director, Mayor's Office of Government Relations
Kyron Banks, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Hilary Ruley, Chief Solicitor
Jennifer Landis, Assistant Solicitor

The Baltimore City Department of
HOUSING & COMMUNITY
DEVELOPMENT

# MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council
c/o Natawna Austin, Executive Secretary

From: Michael Braverman, Housing Commissioner MBr

Date: January 18, 2018

Re: **City Council Bill 17-0121 – Rezoning – 300 Block of East 25 ½ Street**

---

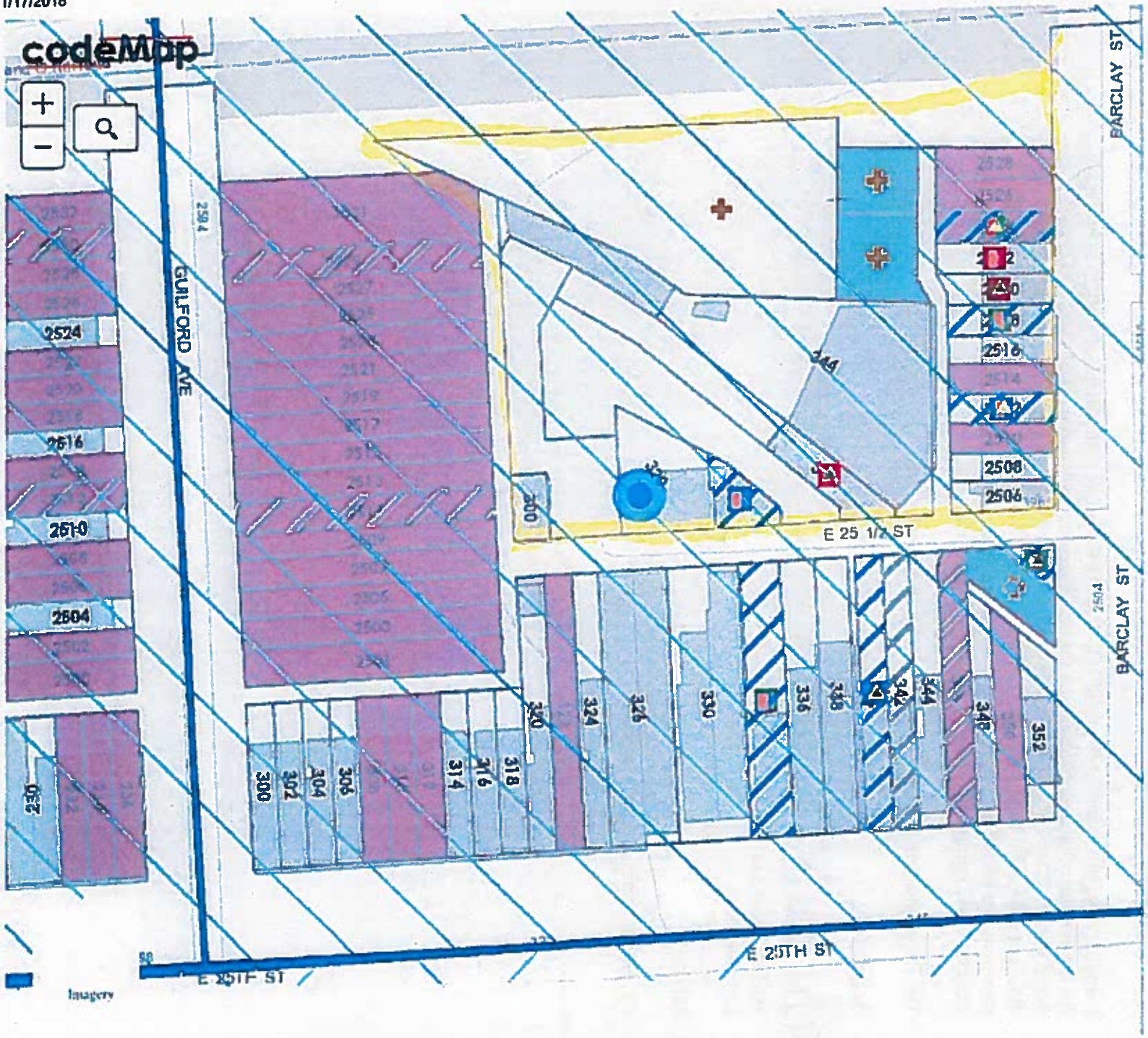
The Department of Housing and Community Development (HCD) has reviewed City Council Bill 17- 0121, for the purpose of rezoning - 300 Block of East 25 ½ Street For the purpose of changing the zoning for the properties known as the 300 block of East 25 ½ Street (Block 3834, Lot 49 (300 East 25 ½ Street); 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.

If enacted, this bill would correct a clerical error that was made during the mapping of the citywide rezoning project and rezone the properties to the I-MU zoning district from the R-8 zoning district. The properties are located in the southern end of the Harwood neighborhood close to railroad tracks and were designed for commercial and industrial usage.

The Department of Housing and Community Development supports the passage of City Council Bill 17-0121.

MB:sd

cc: Ms. Karen Stokes, *Mayor's Office of Government Relations*
Mr. Kyron Banks, *Mayor's Office of Government Relations*

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| FROM | | | CITY of BALTIMORE MEMO |
|---|---|---|---|
| | NAME & TITLE | Michelle Pourciau, Director | |
| | AGENCY NAME & ADDRESS | Department of Transportation (DOT)<br>417 E Fayette Street, Room 527 | |
| | SUBJECT | City Council Bill 17-0121 | |

TO The Honorable President and
Members of the City Council
c/o Natawna Austin
Room 400 City Hall

September 28, 2017

I am herein reporting on 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 to this bill, from the R-8 Zoning District to the I-MU Zoning District.

The Department of Transportation has no objection to this bill.

Respectfully,

Michelle Pourciau

Michelle Pourciau
Director

MP/lw

Cc: Kyron Banks, Mayor's Office

# CITY OF BALTIMORE
# COUNCIL BILL 17-0121
# (First Reader)

Introduced by: Councilmember Stokes
At the request of: Eric Frank
Address: 4 Hallsdale Court, Rosedale, Maryland 21237
Telephone: 443-621-2810
Introduced and read first time: September 11, 2017
Assigned to: Land Use and Transportation Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning Appeals, Planning Commission, Department of Housing and Community Development, Baltimore Development Corporation, Department of Transportation

A BILL ENTITLED

AN ORDINANCE concerning

**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.

BY amending
Article 32 - Zoning
Zoning District Map
Sheet 36
Baltimore City Revised Code
(Edition 2000)

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That Sheet 36 of the Zoning District Map is amended by changing from the R-8 Zoning District to the I-MU Zoning District 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 25 ½ Street)), as outlined in red on the plat accompanying this Ordinance.

**SECTION 2. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

**EXPLANATION:** CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

1 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
2 after the date it is enacted.

# INTRODUCTORY*

# CITY OF BALTIMORE
# COUNCIL BILL ____

Introduced by: Councilmember Stokes
At the request of: Eric Frank
Address: 4 Hallsdale Court, Rosedale, Maryland 21237
Telephone: 443-621-2810

A BILL ENTITLED

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**SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day after the date it is enacted.

**STATEMENT OF INTENT**

**FOR**

300-314 E 25th st.
*{Address}*

1. **Applicant's Contact Information:**
   Name: ERIC FRANK
   Mailing Address: 4 Hallsdale ct
   Rosedale Md. 21237
   Telephone Number: 443-621-7810
   Email Address: VIP2000@msn.com

2. **All Proposed Zoning Changes for the Property:** THE PROPERTIES WERE ORIGINALLY INTRODUCED BY CHARLES VILLAGE CIVIC ASSOCIATION LAND USE TO BE CHANGED TO CTMU) OF THE NEW ZONING BILL BUT IN

3. **All Intended Uses of the Property:** the FINAL MAP SECTION OF THE ZONING IT WAS DROPED WITHOUT NOTICE, WE ARE ASKING CITY COUNCIL COUNCIL TO REINTRODUCE the CHANGE.

4. **Current Owner's Contact Information:**
   Name: See attached list
   Mailing Address:
   Telephone Number:
   Email Address:

5. **Property Acquisition:**

   The property was acquired by the current owner on _____ by deed recorded in the Land Records of Baltimore City in Liber _____ Folio_____.

6. **Contract Contingency:**

   (a) There is ____ is not X a contract contingent on the requested legislative authorization.

   (b) If there is a contract contingent on the requested legislative authorization:

   (i) The names and addresses of all parties to the contract are as follows *{use additional sheet if necessary}*:

(ii) The purpose, nature, and effect of the contract are: _____

_____

_____

_____

_____

_____

_____

**7. Agency:**

(a) The applicant is ____ is not ____ acting as an agent for another.

(b) If the applicant is acting as an agent for another, the names of all principals on whose behalf the applicant is acting, including the names of the majority stockholders of any corporation, are as follows *{use additional sheet if necessary}*: _____

_____

_____

_____

_____

_____

_____

_____

**AFFIDAVIT**

I, Eric J. Frank, solemnly affirm under the penalties of perjury that the information given in this Statement of Intent is true and complete to the best of my knowledge, information, and belief.

Applicant's signature

8/27/2017

Date

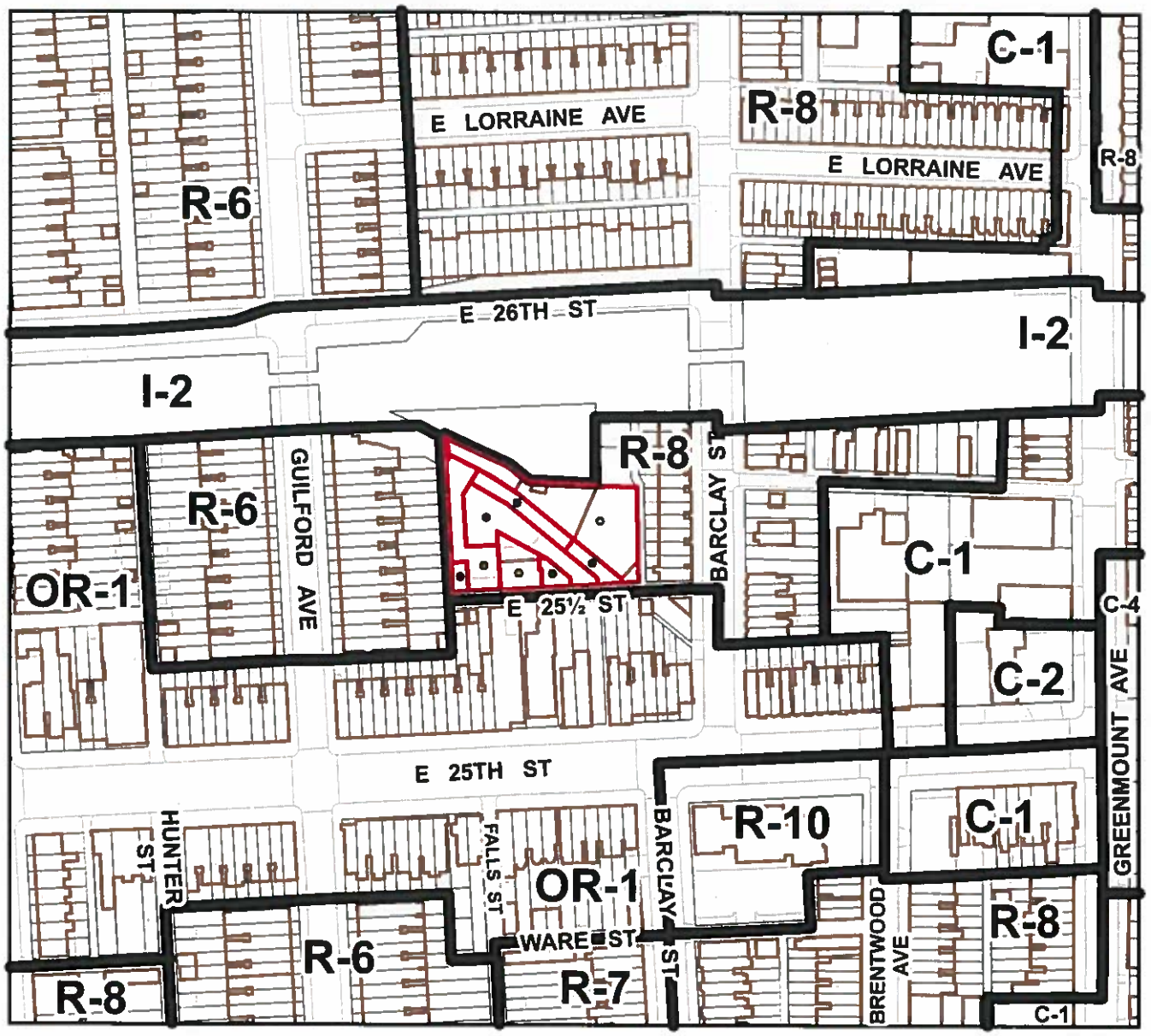
8/27/2017

Names of property owners on 300 thru 344 east 251/2 street Baltimore Maryland 21218. As recorded in property locations. Baltimore city.

Lot # 49= Peter Elmo

Lot # 49A= Ryan Parnell
Lot # 49b== Ryan Parnell
Lot# 49 c== Ryan Parnell
Lot#50== Ryan Parnell
Lot #50A===Victoria Property holdings(Petar Pecovic)
Lot # 051== Eric Frank
Lot# 52== Ryan Parnell

# SHEET NO. 36 OF THE ZONING MAP OF THE ZONING CODE OF BALTIMORE CITY




Scale: 1" = 200'

**Note:** In Connection With Properties Known As:

- 1) 300 E 25 1/2 Street (Lot 49)
- 2) NE E 25 1/2 Street 231 Ft W Of Barclay Street (Lot 49A)
- 3) 320 E 25 1/2 Street (Lot 49B)
- 4) NS E 25 1/2 Street 149-8 Ft W Of Barclay Street (Lot 49C)
- 5) NS E 25 1/2 Street 114-10 Ft W Of Barclay Street (Lot 50)
- 6) 342 E 25 1/2 Street (Lot 50A)
- 7) 344 E 25 1/2 Street (Lot 51)
- 8) NES Easement Rear 342 25 1/2 Street (Lot 52)

The Applicant Wishes To Request The Rezoning Of The Aforementioned Properties From R-8 Zoning to IMU Zoning, As Outlined In Various Color Circles Above.

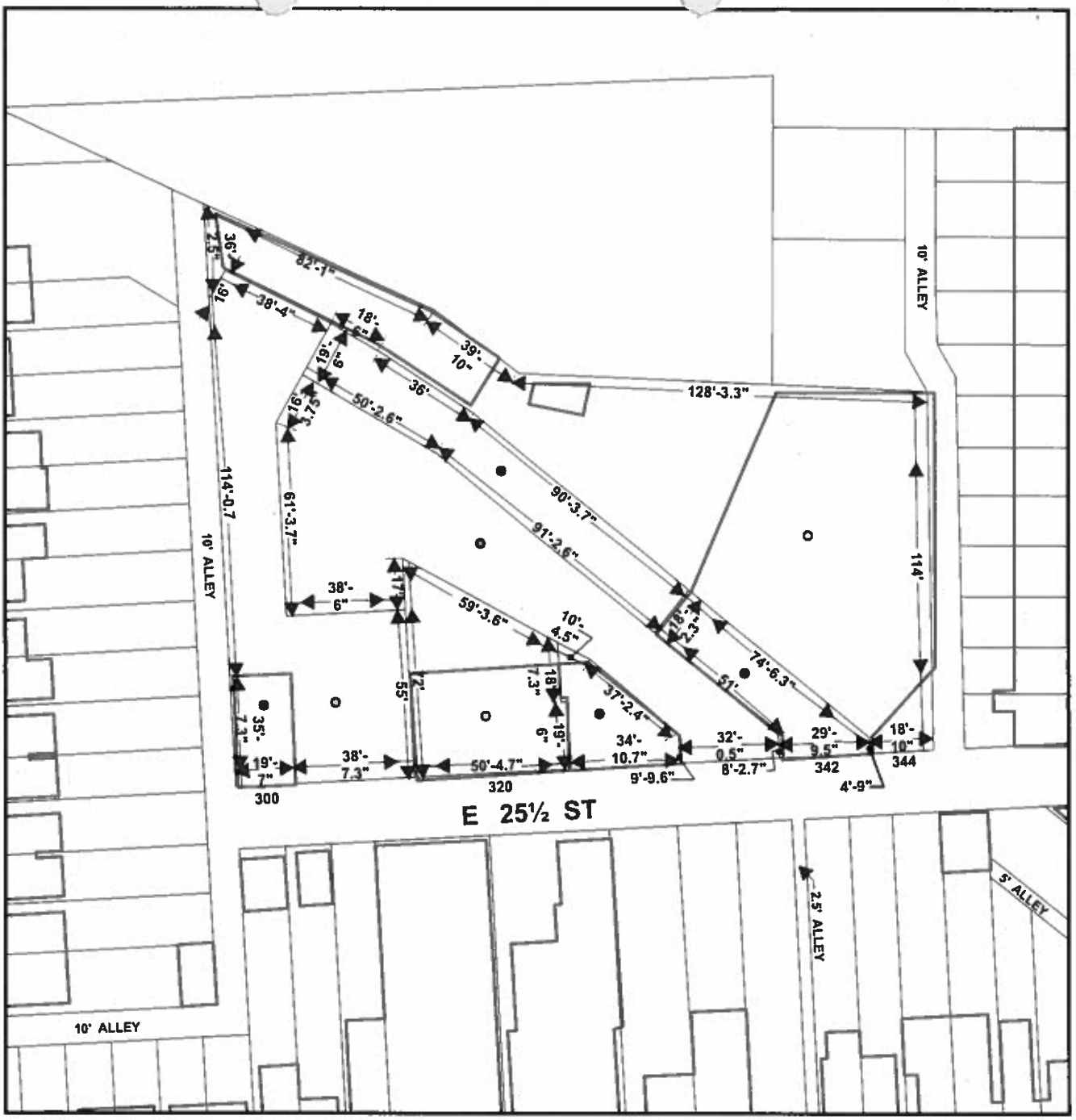
WARD 12 SECTION 15

BLOCK 3834 LOTS 49, 49A, 49B, 49C, 50, 50A, 51 & 52

MAYOR

PRESIDENT CITY COUNCIL

RPE 8-23-17




Scale: 1" = 50'

- ● 1) 300 E 25 1/2 Street (Lot 49)
- ○ 2) NE E 25 1/2 Street 231 Ft W Of Barclay Street (Lot 49A)
- ○ 3) 320 E 25 1/2 Street (Lot 49B)
- ● 4) NS E 25 1/2 Street 149-8 Ft W Of Barclay Street (Lot 49C)
- ○ 5) NS E 25 1/2 Street 114-10 Ft W Of Barclay Street (Lot 50)
- ● 6) 342 E 25 1/2 Street (Lot 50A)
- ○ 7) 344 E 25 1/2 Street (Lot 51)
- ● 8) NES Easement Rear 342 25 1/2 Street (Lot 52)

Sheet 2

RPE 8-23-17

## ACTION BY THE CITY COUNCIL

FIRST READING (INTRODUCTION) SEP 11 2017 20 ____

PUBLIC HEARING HELD ON February 24 20 18

COMMITTEE REPORT AS OF February 26 20 18

✓ FAVORABLE ____ UNFAVORABLE ____ FAVORABLE AS AMENDED ____ WITHOUT RECOMMENDATION

Chair

COMMITTEE MEMBERS:

COMMITTEE MEMBERS:

SECOND READING: The Council's action being favorable (unfavorable), this City Council bill was (was not) ordered printed for Third Reading on:

FEB 26 2018 20 ____

____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING MAR 12 2018 20 ____

____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (ENROLLED) ____ 20 ____

____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (RE-ENROLLED) ____ 20 ____

WITHDRAWAL ____ 20 ____

There being no objections to the request for withdrawal, it was so ordered that this City Council Ordinance be withdrawn from the files of the City Council.

President

Chief Clerk

1050-10-2