

FROM	NAME & TITLE	CHRIS RYER, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #19-0351/ REZONING - 3515 EAST LOMBARD STREET		

DATE:

TO

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

May 17, 2019

At its regular meeting of May 9, 2019, the Planning Commission considered City Council Bill #19-0351, for the purpose of changing the zoning for the property known as 3515 East Lombard Street (Block 6288, Lot 034), as outlined in red on the accompanying plat, from the R-8 Zoning District to the C-1 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended approval of City Council Bill #19-0351, and adopted the following resolution with eight members being present (eight in favor):

RESOLVED, That the Planning Commission concurs with the recommendations of its departmental staff and recommends that City Council Bill #19-0351 be passed by the City Council.

If you have any questions, please contact Eric Tiso, Division Chief, Land Use and Urban Design Division at 410-396-8358.

CR/ewt

attachment

- cc: Mr. Jeff Amoros, Mayor's Office
 The Honorable Edward Reisinger, Council Rep. to the Planning Commission
 Mr. William H. Cole, IV, BDC
 Mr. Derek Baumgartner, BMZA
 Mr. Geoff Veale, Zoning Administrator
 Ms. Sharon Daboin, DHCD
 Mr. Tyrell Dixon, DHCD
 Mr. Liam Davis, DOT
 Ms. Elena DiPietro, Law Dept.
 Mr. Francis Burnszynski, PABC
 Ms. Natawna Austin, Council Services
 Mr. Ervin Bishop, Council Services



Bernard C. "Jack" Young
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Chris Ryer
Director

May 9, 2019

REQUEST: City Council Bill #19-0351/ Rezoning – 3515 East Lombard Street:

For the purpose of changing the zoning for the property known as 3515 East Lombard Street (Block 6288, Lot 034), as outlined in red on the accompanying plat, from the R-8 Zoning District to the C-1 Zoning District.

RECOMMENDATION: Approval

STAFF: Martin French

PETITIONERS: Councilmembers Cohen and Scott, at the request of Dian Fei Jiang

OWNERS: Xiu Hua Zhu and Dian Fei Jiang

SITE/ GENERAL AREA

Site Conditions: 3515 East Lombard Street is located on the southwest corner of the intersection with Conkling Street. This property measures approximately 75' by 75'10" and is currently improved with a two-story semi-detached commercial building covering approximately 95% of the lot. This site is zoned R-8 and is located within the Patterson Park – Highlandtown National Register Historic District.

General Area:

HISTORY

There are no previous legislative or Planning Commission actions specifically regarding this site. This site was rezoned from B-2-2 to R-8 during adoption of the current Zoning Code and maps, which became effective June 5, 2017. The Patterson Park – Highlandtown Historic District was certified to the National Register of Historic Places on December 27, 2002.

ANALYSIS

This site's original development preceded its annexation to Baltimore City effective January 1, 1919. By 1936, the portion of the site formerly known as 3521 East Lombard Street was in use as a tavern selling beer only, while the remaining original rowhouses were still dwellings. In 1946, 3517 East Lombard Street was converted to a tavern, to which a restaurant was added in 1947. By 1952 a first consolidation had occurred, making 3515-3521 East Lombard Street a restaurant and tavern, after 3515 and 3517 East Lombard Street had separately been converted to commercial uses. By 1961 the combined property known as 3515-3521 East Lombard Street had been converted to a delicatessen and restaurant. In 1985 a previous owner consolidated 3513 East Lombard Street, previously improved with a detached two-story dwelling, with the

commercial property; this portion of the site was then improved with a one-story garage-front commercial addition to the corner building. In 2001, an application to use 3515 East Lombard Street (the address now given to the consolidated properties) for a garage for storage and repair of motor vehicles was filed; this was dismissed in 2004 after failing to win conditional use approval by the Board of Municipal and Zoning Appeals. As motor vehicle service and repair, major or minor, is now prohibited in the C-1 Zoning District, this last use would not be approvable under the proposed new zoning for this property.

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 would be in the public's interest, in that it would be compatible with the light, neighborhood-oriented commercial use of this site that has existed for over 75 years; and that a mistake was made in changing the zoning of this site from Business (former Zoning Code terminology) as replaced by Commercial (current Zoning Code terminology) to Residential in 2017.

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 Comprehensive Master Plan for Baltimore does not specifically recommend land use or zoning changes for this property or its immediate environs. However, the C-1 Neighborhood Business District already includes commercial properties on two of the three other corners of this intersection of Lombard and Conkling Streets, and placing this property in the same district would be appropriate for this area.
2. **The needs of Baltimore City:** The proposed C-1 zoning would support the Master Plan goal of strengthening neighborhoods by offering this site for new neighborhood-oriented commercial activity.
3. **The needs of the particular neighborhood:** This site is at the northeastern edge of the Highlandtown community, which is undergoing significant revitalization and repopulation. The proposed action would be compatible with fostering these positive changes in the area.

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;** *While the next Census is a year away, there is anecdotal evidence that this area is undergoing significant population growth as a result of personal resettlement decisions being made by recent arrivals to Baltimore.*
2. **The availability of public facilities;** *This site is well-served by City services and no negative impacts are expected as a result of returning this property to its long-standing prior commercial zoning.*
3. **Present and future transportation patterns;** *This site is well-served by public transit and no changes are anticipated to transportation patterns regardless of the proposed action.*
4. **Compatibility with existing and proposed development for the area;** *The proposed rezoning is consistent with long-standing use of the property, as well as with long-standing use of two of the three other corners of this intersection of Lombard and Conkling Streets.*
5. **The recommendations of the Planning Commission and the Board of Municipal and Zoning Appeals (BMZA);** *For the above reasons, the Planning Department recommends approval of the rezoning request to the Planning Commission. The BMZA will comment separately on this bill.*
6. **The relation of the proposed amendment to the City's plan.** *The proposed action would be compatible with the Master Plan goal of strengthening neighborhoods and encouraging appropriate re-use of underused or partially-vacant structures.*

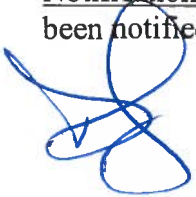
There are additional standards under §5-508(b)(3) that must be considered for map amendments. These include:

- (i) **existing uses of property within the general area of the property in question;** *While the bulk of properties in this vicinity are residentially zoned and used, this intersection has had community-oriented commercial use for over 75 years.*

- (ii) the zoning classification of other property within the general area of the property in question;** *One of the other three properties at this intersection of Lombard and Conkling Streets is zoned C-1 and used accordingly; another is zoned C-1 but has been used since 1936 as a single-pump gas station, and is now a nonconforming use in the C-1 zoning district. The remainder of properties within the general area of 3515 East Lombard Street are zoned R-8 and used for residential purposes.*
- (iii)the suitability of the property in question for the uses permitted under its existing zoning classification;** *As noted above, this property is improved with a two-story semi-detached commercial structure that would be suitable for most if not all of the possible uses in the C-1 Zoning District; 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.** *There has been no change to the physical appearance of this property in the past 22 months. As noted above, there has been some revitalization and repopulation of the general area, a continuing process which preceded the rezoning of this property to R-8 and which is expected to continue after enactment of this proposed rezoning.*

Per §5-508(b)(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. Based upon the historic record of land uses and past zoning associated with this property, Planning staff have determined that a mistake was made in placing this property in the R-8 Residential Zoning District.

Notification: The Highlandtown Community Association and Councilmen Cohen and Scott have been notified of this action.



Chris Ryer
Director