


<b>FROM</b>	NAME & TITLE	CHRIS RYER, DIRECTOR	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 <sup>TH</sup> FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #19-0426 / REZONING – BLOCK PSCO LOT 085		

DATE: October 10, 2019

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

At its regular meeting of October 3, 2019, the Planning Commission considered City Council Bill #19-0426, for the purpose of changing the zoning for the purpose of changing the zoning for the property known as Block PSCO Lot 085, as outlined in red on the accompanying plat, from the I-2 Zoning District to the R-8 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended approval of City Council Bill #19-0426 and adopted the following resolution eight members being present (eight in favor):

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #19-0426 be passed by the City Council.

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

CR/ewt

attachment

- cc: Mr. Nicholas Blendy, Mayor's Office  
 Mr. Matthew Stegman, Mayor's Office  
 Ms. Nina Themelis, Mayor's Office  
 The Honorable Edward Reisinger, Council Rep. to Planning Commission  
 Mr. Colin Tarbert, BDC  
 Mr. Derek Baumgardner, BMZA  
 Mr. Geoffrey Veale, Zoning Administration  
 Ms. Stephanie Murdock, DHCD  
 Ms. Elena DiPietro, Law Dept.  
 Mr. Francis Burnszynski, PABC  
 Mr. Liam Davis, DOT  
 Ms. Natawna Austin, Council Services  
 Mr. Dominic McAlily, Council Services  
 Ms. Caroline Hecker, Esq.





Bernard C. "Jack" Young  
Mayor

## PLANNING COMMISSION

*Sean D. Davis, Chairman*

### STAFF REPORT



Chris Ryer  
Director

**October 3, 2019**

**REQUEST:** City Council Bill #19-0426/ Rezoning – Block PSCO, Lot 085:

For the purpose of changing the zoning for the property known as Block PSCO Lot 085, as outlined in red on the accompanying plat, from the I-2 Zoning District to the R-8 Zoning District.

**RECOMMENDATION:** Approval

**STAFF:** Matthew DeSantis, AICP

**PETITIONERS:** Councilmember Cohen, at the request of Haven Rock, LLC c/o Caroline Hecker, Esq.

**OWNER:** Canton Development Company, Inc.

#### **SITE/GENERAL AREA**

Site Conditions: The property does not have a street address as it is a portion of an abandoned railroad right-of-way. It measures 22' wide by approximately 367' long. It is currently unimproved and abutting 601 S. Haven Street which has been cleared for a pending townhome development.

General Area: This site is located in the Brewer's Hill neighborhood. The site is near the intersection of S. Haven Street and Foster Avenue. To the immediate east and north is a proposed townhome project at 601 S. Haven Street and to the west and south is the alignment for the proposed Baltimore Greenway Trail multi-use corridor.

#### **HISTORY**

There are no previous legislative or Planning Commission actions regarding this site, other than its rezoning from M-3 to I-2 effective June 5, 2017 as part of the City-wide comprehensive rezoning that accompanied adoption of the new Zoning Code (Article 32 of the Baltimore City Code).

#### **CONFORMITY TO PLANS**

The proposed action is consistent with LIVE EARN PLAY LEARN, the Comprehensive Master Plan, Live Goal 1, Objective 1: Expand Housing Choices for all Residents.

## ANALYSIS

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 enable the development of additional housing.

This parcel was formerly used as a railroad right-of-way and served as a siding for the industrial uses that occurred on the adjacent site (601 S. Haven Street) for many decades. The industrial use has since ceased on that adjacent parcel and the former warehouse building was demolished in 2019. This parcel was formally abandoned as a railroad right-of-way as of July 2019.

Additionally, during the Transform Baltimore comprehensive rezoning process the adjacent parcel of 601 S. Haven Street was rezoned from M-3 to R-8 by the City Council (the Planning Commission recommended that this property retain its industrial zoning designation given its frontage along S. Haven Street, a major trucking route). Given that this adjacent property was rezoned to a residential use, this subject property likely should have also been rezoned by the City Council. The subject parcel, lacking any frontage on public right-of-way and only being 22' in width, has been made virtually unusable by 601 S. Haven Street being rezoned for residential use. There is currently a 70-unit townhome subdivision development proposed for this property, a portion of which encroaches into the subject property. The property owner intends to consolidate the two parcels once the rezoning to R-8 is enacted.

### **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 proposed rezoning would support the Plan’s goal of expanding housing choices for all residents, since this parcel will be consolidated with the adjacent parcel that has a 70-unit townhome development pending.
2. **The needs of Baltimore City:** The current I-2 zoning of this parcel renders it virtually useless since it is too small and inaccessible for any future industrial use.
3. **The needs of the particular neighborhood:** There is a growing demand for additional residential units in the Brewer’s Hill neighborhood, and this rezoning will contribute to this without causing any additional degradation of the City’s also important industrial base.

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;** There are no significant changes which have occurred since adoption of the current zoning map or Zoning Code.
2. **The availability of public facilities;** Public facilities are and are expected to remain adequate for current and future uses of the subject property.
3. **Present and future transportation patterns;** The Baltimore Greenway Trail has a proposed alignment directly adjacent to the subject property and will provide additional transportation options for residents in the area as well as those from other parts of the City.
4. **Compatibility with existing and proposed development for the area;** The rezoning would enable this parcel to be consolidated with the adjacent 601 S. Haven Street property and included in the proposed 70-unit townhome development project for this site.
5. **The recommendations of the Planning Commission and the Board of Municipal and Zoning Appeals (BMZA);** For the above reasons, the Planning Department is recommending 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 amendment will support the Plan goal of expanding housing choices for all residents.

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;** Properties in the general area include a mix of industrial and rowhome residential uses.
- (ii) **the zoning classification of other property within the general area of the property in question;** 601 S. Haven Street, the large parcel directly to the east of this parcel, is currently zoned R-8. The subject property will be consolidated with that parcel upon rezoning.
- (iii) **the suitability of the property in question for the uses permitted under its existing zoning classification;** The site is functionally obsolete for future industrial use given its small size and lack of street frontage. It is more suitable being rezoned R-8 so that it can be consolidated with the abutting property.
- (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.** Since the enactment of the new zoning code, this property has been formally abandoned as a railroad right-of-way. Residential development is proposed on this and the abutting property that is already zoned R-8.

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. It is the determination of Planning staff that both a substantial change has occurred in that the parcel has been formally abandoned for railroad use and that the City Council made a mistake in not also rezoning this property for residential use along with the adjacent 601 S. Haven Street parcel, and that rezoning it to R-8 would be appropriate as a way to encourage and facilitate productive reuse.

Notification: The Brewer’s Hill Community Association, Brewer’s Hill Neighbors, and Canton Community Association have been notified of this action.



**Chris Ryer**  
**Director**