

LAND USE COMMITTEE

FINDINGS OF FACT

City Council Bill No: 20-0531

MOTION OF THE CHAIR OF THE LAND USE 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:

Rezoning - 3006, 2926, and 2928 Boarman Avenue and Block 3185, Lot 49

Upon finding as follows with regard to:

(1) Population changes;

There has not been a significant change in population in this area since June 5, 2017, when the current Zoning Code and map became effective.

(2) The availability of public facilities;

All public facilities necessary to support use of the subject properties are available and expected to remain available.

(3) Present and future transportation patterns;

There is no change anticipated in transportation patterns, which are sufficient to support the existing and planned use of the properties. The properties are within immediate walking distance of a metro station and other properties zoned for transit-oriented development.

(4) Compatibility with existing and proposed development for the area;

The proposed rezoning of the properties known as 3006 Boarman Avenue (Block 3185, Lot 48), 2926 Boarman Avenue (Block 3185, Lot 51), 2928 Boarman Avenue (Block 3185, Lot 50), and Block 3185, Lot 49 will support the redevelopment of 3025 West Cold Spring Lane, which will be consolidated with those properties. The redevelopment will remove a nonconforming industrial use and will provide an appropriate transition from the single family homes of the adjacent R-7 district to the rail line.

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

The City agencies to which the bill was referred made the following recommendations:

Planning Commission	Favorable with Amendment
Board of Municipal and Zoning Appeals	Favorable with Amendment
Department of Transportation	No Objection
City Solicitor	Favorable with Comments
Department of Housing and Community Development	Favorable
Baltimore Development Corporation	Favorable
Parking Authority	Not Opposed

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

The rezoning supports the intent of the Comprehensive Master Plan for this area to be transit-oriented in nature, and will remove nonconforming uses.

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

The industrial use of portions of these properties has discontinued, which allows for the proposed redevelopment that is more compatible with the adjacent R-7 residential zone to the east, and that will meet the intent of the TOD zone to the north.

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

With the exception of the rail line itself, and the bus company at 2929 Boarman Avenue, the properties to the north of the subject properties are zoned TOD-2, and the properties to the east are R-7. The proposed rezoning action will unify the properties that have been assembled for redevelopment within the TOD-2 zone.

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

The subject properties will be better suited for redevelopment once they are unified under TOD-2 zoning. Without this correction, the property will remain split-zoned into three different districts. That split-zoning will have the effect of reducing the potential

density permitted on the property to levels below that which is practical for TOD development, as well as having a corner of the property that would not permit residential use at all (the portion that is now zoned I-2 industrial).

- (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;

This proposed rezoning will support the designation of TOD-2 zoning in the immediate area surrounding the West Cold Spring Metro Station.

- (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:

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- (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:

3025 West Cold Spring Lane (1.291± acres) was designated as a TOD-2 site during the last comprehensive rezoning so as to encourage redevelopment for an appropriate TOD use. The adjacent properties known as 3006 Boarman Avenue (Block 3185, Lot 48), 2926 Boarman Avenue (Block 3185, Lot 51), 2928 Boarman Avenue (Block 3185, Lot 50), and Block 3185, Lot 49, owned by the same concrete company, were zoned I-2 and R-7 during the last comprehensive rezoning. Redevelopment of 3025 West Cold Spring Lane is not feasible without incorporating the adjacent properties into a larger footprint. Additionally, redeveloping the subject properties separate from 3025 West Cold Spring Lane is not practical. The additional space provided by a larger TOD-2 zoned parcel will also allow the developer to better accommodate changes to the project requested by the surrounding community.

SOURCE OF FINDINGS (Check all that apply):

[X] Planning Report – Planning Commission’s report, dated June 1, 2020, which included the Department of Planning Staff Report, dated May 28, 2020.

[X] Testimony presented at the Committee hearing

Oral – Witness:

- Eric Tiso, Planning Department
- Hilary Ruley, Law Department
- Stephanie Murdock, Department of Housing and Community Development
- Alyssa Domzal, Esquire, Ballard Spahr LLP

Written:

- Department of Transportation, Agency Report – Dated July 13, 2020
- Board of Municipal and Zoning Appeals, Agency Report – Dated June 29, 2020
- Law Department, Agency Report – Dated July 9, 2020
- Department of Housing and Community Development, Agency Report – Dated July 7, 2020
- Baltimore Development Corporation, Agency Report – Dated June 29, 2020
- Parking Authority, Agency Report – Dated June 1, 2020

COMMITTEE MEMBERS VOTING IN FAVOR

Edward Reisinger, Chair
Shannon Sneed, Vice Chair
Mary Pat Clarke
Eric Costello
Ryan Dorsey
Sharon Green Middleton
Leon Pinkett