

ECONOMIC AND COMMUNITY DEVELOPMENT COMMITTEE

FINDINGS OF FACT

City Council Bill No: 21-0054

MOTION OF THE CHAIR OF THE ECONOMIC AND COMMUNITY DEVELOPMENT 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 - 605 South Caton Avenue

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. We do not expect significant changes once the results of the 2020 Census are available.

(2) The availability of public facilities;

There are adequate public facilities available in the area where the subject property is located, and there are no plans to reduce or remove any of these facilities.

(3) Present and future transportation patterns;

There are no changes anticipated in present or future transportation patterns in this area.

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

Uses that would be authorized by rezoning this property to I-1 would be generally compatible with historic uses of the property and with adjacent non-residential uses.

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

The Planning Commission voted unanimously to approve passage of the bill. BMZA deferred to the Planning Commission. The City agencies to which the bill was referred made the following recommendations:

Planning Commission	Favorable / Amendment
Board of Municipal and Zoning Appeals (BMZA)	Defers to Planning
Department of Transportation	No Objection
City Solicitor	Favorable
Department of Housing and Community Development	No Objection
Baltimore Development Corporation	Favorable
Department of Finance	Defers to BMZA and Planning Commission

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

Changing the zoning of the subject property to I-I would make it a contiguous part of the larger I-I zoning district in southwest Baltimore that is attractive to small light industrial businesses, thus helping meet the Comprehensive Plan objective of retaining and attracting businesses in growth sectors of the economy.

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

There are two separate small areas of rowhouses and detached houses near this property, with the Gwynns Falls community to the northeast of this property, while the majority of the general area is light industrial in character. North of the subject property, Caton Avenue divides the non-residential area to its west from the residential area to its east.

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

Across Caton Avenue to the west, property is zoned 1-1; east of this property are a small group of detached houses zoned I-MU (which Planning staff consider worthy of a separate review for possible rezoning to a residential district) alongside the railroad right -of-way that borders the subject property on its south side; across Strickland Street, the northeastern corner of the Caton-Strickland intersection is zoned C-2 and used commercially. The larger Gwynns Falls community is zoned R-6.

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

This property is not well-suited to C-2 uses, as evidenced by its continued disuse since departure of the lumber and contractor businesses following the 2017 rezoning to C-2. Those types of business were made non-conforming by the 2017 rezoning, and cannot now be re-established on this property. The last use permitted under the previous B-3 zoning was "woodworking and furniture-making: custom", which would be a use of the type "Industrial: Light" that is permitted under the preferred 1-1 zoning. Rezoning the property to 1-1 would allow similar uses at this site.

- (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;

There have not been major changes in land use in this general area since 2017. The area is already fully developed, and significant major redevelopment would likely require assembly of several properties first.

- (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:

Planning staff recommend finding that a mistake was made in rezoning this property from the B-3 "Community Commercial District" established in 1971 to the C-2 "Community Commercial District" established in 2017. Despite their identical names, the two zoning districts are not identical: the B-3 district was "designed primarily to accommodate business, service, and commercial uses of a highway-oriented nature. The district provides for a wide range of necessary services and goods that do not involve local shopping and are not characteristic of business shopping areas." (§6-401.a. of the previous Zoning Code). The C-2 zoning district is described in the Zoning Code as "intended for areas of small to medium-scale commercial use, typically located along urban corridors, that are designed to accommodate pedestrians and, in some instances, automobiles" (§10-204.a. of the current Zoning Code).

All previous uses of this property were permitted uses in the B-3 zoning district (§6-406.(14), (18), and (72) of the previous Zoning Code). This particular property had a history of 20th Century use as a lumber yard and, in the early 21st Century, a contractor's vehicle storage yard and a custom woodworking and furniture-making establishment. These previously permitted uses were not related to pedestrian activity

and were strongly oriented to motor vehicle use. The I-1 light industrial zoning district would thus be more appropriate for this property than the C-2 zoning district.

SOURCE OF FINDINGS (Check all that apply):

- [X] Planning Report – Planning Commission, Agency Report, Dated April 23, 2021 which includes the Planning Department, Agency Report, Dated April 22, 2021
- [X] Testimony presented at the Committee hearing

Oral – Witness:

- Martin French, Planning Department
- Elena DiPietro, Law Department
- Justin Williams, Representative for the Applicant

Written:

- Planning Commission, Agency Report, Dated April 23, 2021 which includes the Department of Planning, Agency Report – Dated April 22, 2021
- Department of Transportation, Agency Report – Dated June 17, 2021
- Board of Municipal and Zoning Appeals, Agency Report – Dated June 17, 2021
- Law Department, Agency Report – Dated August 26, 2021
- Department of Housing and Community Development, Agency Report – Dated June 16, 2021
- Baltimore Development Corporation, Agency Report – Dated May 10, 2021
- Department of Finance, Agency Report - Dated April 23, 2021

COMMITTEE MEMBERS VOTING IN FAVOR

Sharon Green Middleton, Chair
John Bullock
Ryan Dorsey
Odette Ramos
Robert Stokes