



*Stephanie Rawlings-Blake*  
Mayor

## PLANNING COMMISSION

*Wilbur E. "Bill" Cunningham, Chairman*



*Thomas J. Stosur*  
Director

### STAFF REPORT

November 19, 2015

**REQUEST:** City Council Bill 15-0583/ Rezoning – 1524 West Pratt Street

For the purpose of changing the zoning for the property known as 1524 West Pratt Street, as outlined in red on the accompanying plat, from the R-8 Zoning District to the B-1-1 Zoning District.

**RECOMMENDATION:** Disapproval

**STAFF:** Martin French

**PETITIONER:** Councilman Welch, at the request of Darshan Saluja

**OWNER:** Gurmeet Saluja

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

**Site Conditions:** 1524 West Pratt Street is located on the north side of the street, approximately 100' east of the intersection with Gilmor Street. This property measures approximately 14' by 120' and is currently improved with a three-story end-of-row building which with its extended one-story rear additions covers the entire lot. This site is zoned R-8 and is located within the Union Square Historic District, a locally designated Baltimore City historic district.

**General Area:** Union Square itself is one block north of this property and is surrounded by residential properties. Pratt Street is an historic residential corridor leading to the Mount Clare Shops of the B & O Railroad four blocks east of this property, with some residential mixed-use structures, most dating from the mid or late 19<sup>th</sup> Century. The residential character of the neighborhood includes some school, religious, and institutional buildings also. The primary commercial corridor of this area was and is two blocks north of Pratt Street, along Baltimore Street.

#### **HISTORY**

This property is located in the southwestern portion of the Union Square Historic District, established by Ordinance no. 821 on June 2, 1970, and expanded by Ordinance no. 580 on November 17, 1977. The Union Square District received designation on the National Register of Historic Places on September 15, 1983.

#### **CONFORMITY TO PLANS**

The proposed rezoning is not needed to further the Comprehensive Master Plan objective "strategically redevelop vacant properties throughout the City" (LIVE EARN PLAY LEARN Live Goal 1, Objective 2) as this property could be used under its existing zoning as a multiple-

family attached dwelling structure (a use which would also require an ordinance for approval, and which could be consistent with the Plan).

### **ANALYSIS**

From review of the required considerations of §16-305 of the Zoning Code, staff finds that this proposed zoning change is not clearly in the public's interest, in that its purpose is to allow the owner to re-introduce a non-conforming commercial use that has not existed on this property for over six years (based upon testimony given by Gurmeet Saluja at the August 30, 2011 hearing by the Board of Municipal and Zoning Appeals) as a permitted use in an area that is, and is planned to remain, a Residential-zoned District covering an historic residential area.

The Zoning Code requires review of these considerations under its §16-305(c):

*(c) The Board and the Planning Commission must also consider the following matters:*

- (1) existing uses of property within the general area of the property in question;*
- (2) the zoning classification of other property within the general area of the property in question;*
- (3) the suitability of the property in question for the uses permitted under its existing zoning classification; and*
- (4) 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.*

- (1) and (2) The existing use of most properties within this general area is residential, with a zoning classification of R-8. There is little change anticipated in this pattern, as reflected in the proposed continuation of the R-8 zoning under the proposed new zoning code known as TransForm Baltimore.
- (3) As noted above, this property has a three-story end-of-row dwelling structure that could be suitable for use as a multiple-family attached dwelling, a use permitted, subject to ordinance, by the current R-8 zoning.
- (4) There have been no recent significant development or redevelopment trends in the area around this property that would justify rezoning this property only.

### **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 action is not proposed in the Comprehensive Master Plan, and there are other actions which could accomplish the Plan's goals and objectives without requiring rezoning of this property alone.
2. **The needs of Baltimore City:** The proposed action is not required to respond to the needs of the City. In the context of possible use of this property for a grocery store (as was proposed in 2011), staff notes that a variety of foods are available at the Hollins Market located six blocks away to the northeast of this property.
3. **The needs of the particular neighborhood:** The neighborhood is already served by several nonconforming commercial uses that are mixed into the residential fabric of the Union Square community, as well as by the Hollins Market.

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:

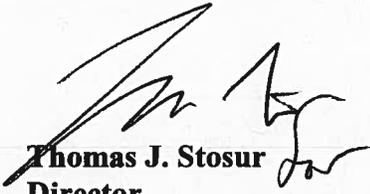
1. **Population changes;** The immediate area around this property has not undergone significant population change in relation to the remainder of Baltimore City; it has shared in the gradual decline, since 1970, of population across most neighborhoods.
2. **The availability of public facilities;** Public facilities are and remain available to support currently-authorized uses of this property.
3. **Present and future transportation patterns;** There are no anticipated changes to present transportation patterns along this portion of Pratt Street, patterns that support continuing residential use of the property.
4. **Compatibility with existing and proposed development for the area;** While a continuing nonconforming commercial use of the street level of the structure on this property would be not be incompatible with existing development of the area, one no longer exists at this location. There is no proposed development in this area that would justify the proposed action.
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 disapproval 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.** There is no obvious relation of the proposed rezoning of this one property to the City's Comprehensive Master Plan.

The City Council may grant the amendment to change the zoning classification based on a finding that there was: (i) a substantial change in the character of the neighborhood where the

property is located; or (ii) a mistake in the existing zoning classification. There is no record to indicate that a mistake was made in zoning this property R-8 as part of a larger R-8 zoning district covering much of the Union Square area of which it is a part. There has been no substantial change in the character of the neighborhood where this property is located that would justify rezoning this one property.

For the reasons stated above, Planning staff recommends disapproval of this bill.

Notification: Staff notified the Mount Clare Community Council and the Union Square Association, and Councilman Welch, of this action.



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