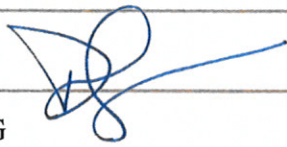



FROM	NAME & TITLE	CHRIS RYER, DIRECTOR 	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #23-0397 / REZONING – WESTERN SIDE NORTH LEHIGH STREET SOUTH WEST CORNER EAGER STREET AND WESTERN SIDE NORTH LEHIGH STREET 52-7 FEET SOUTH OF EAGER STREET		

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

DATE: August 11, 2023

At its regular meeting of August 10, 2023, the Planning Commission considered City Council Bill #23-0397, for the purpose of changing the zoning for the properties known as Western Side North Lehigh Street South West Corner Eager Street (Block 6182, Lot 007), and Western Side North Lehigh Street 52-7 Feet South of Eager Street (Block 6182, Lot 008), as outlined in red on the accompanying plat, from the R-4 Zoning District to the I-2 Zoning District; and providing for a special effective date.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended approval of City Council Bill #23-0397 and adopted the following resolution:

RESOLVED, That the Planning Commission concurs with the recommendation of its Departmental staff, adopts the findings outlined in the staff report, with consideration for testimony and facts presented in the meeting, and recommends that City Council Bill #23-0397 be **approved** 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: Ms. Nina Themelis, Mayor's Office
The Honorable Eric Costello, Council Rep. to Planning Commission
Mr. Colin Tarbert, BDC
Ms. Rebecca Witt, 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. Al Barry for AEGN LLC



Brandon M. Scott
Mayor

PLANNING COMMISSION

Sean D. Davis, Chair; Eric Stephenson, Vice Chair

STAFF REPORT



Chris Ryer
Director

August 10, 2023

REQUEST: City Council Bill #23-0397/ Rezoning - Western Side North Lehigh Street Southwest Corner Eager Street and Western Side North Lehigh Street 52-7 Feet South of Eager Street:

For the purpose of changing the zoning for the properties known as Western Side North Lehigh Street South West Corner Eager Street (Block 6182, Lot 007), and Western Side North Lehigh Street 52-7 Feet South of Eager Street (Block 6182, Lot 008), as outlined in red on the accompanying plat, from the R-4 Zoning District to the I-2 Zoning District; and providing for a special effective date.

RECOMMENDATION: Adopt findings and Approve

STAFF: Eric Tiso

PETITIONER: AEGN, LLC c/o Chase Hoffberger and Al Barry, AB Associates

OWNER: AEGN, LLC

SITE/GENERAL AREA

Site Conditions: These two lots are located on the west side of North Lehigh Street, on the southwestern corner of the intersection with East Eager Street. The lots are currently unimproved and are zoned R-4 residential.

General Area: These lots are located in the Orangeville neighborhood, which is predominantly industrial in nature, with the exception of a small residential enclave, of which these lots are a part.

HISTORY

There are no previous legislative or Planning Commission actions regarding this site.

ZONING CODE REQUIREMENTS

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.

ANALYSIS

These two properties are owned by AEGN, LLC, which owns the other adjacent properties on the west side of North Lehigh Street in this block. AEGN would like to expand their existing facilities into these lots, but they are prevented from doing so by the residential zoning. Staff notes that the properties were zoned R-4 residential under the prior zoning code. No changes to zoning boundaries were made for this immediate area when the new zoning code that became effective in 2017. These lots have been vacant going back at least into the 1950s, predating even the prior zoning code that was adopted in 1971.

Required Findings:

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. Staff has reviewed the submitted justification for rezoning from the applicants, and generally concur with their findings that this rezoning meets the findings for a mistake.

Maryland Land Use Code – Requirements for Rezoning:

The Land Use Article of the Maryland Code requires the Planning Commission and the Board of Municipal and Zoning Appeals (BMZA) 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 Code, Land Use § 10-305 (2023)). In reviewing this request, the staff finds that:

1. **The Plan:** There are no specific provisions of the Comprehensive Plan that addresses this particular proposal.
2. **The needs of Baltimore City:** There is a general erosion of industrial zoning and users across the city, as those industrial zones face intrusion from adjacent residential and

commercial development expanding into those industrial areas, creating pressure to rezone land away from industrial use.

- 3. The needs of the particular neighborhood:** There is no particular demand for additional residential development in this small residential enclave in this otherwise predominantly industrial area of the city. On the other hand, the expansion of a local industrial business may provide additional job opportunities for area residents, or others from the wider City.

Similarly, the Land Use article, also adopted by Article 32 – *Zoning* §5-508(b)(2), requires the City Council to make findings of fact (MD Code, Land Use § 10-304 (2023)). The findings of fact include:

- 1. Population changes:** The small residential population of the Orangeville neighborhood has not seen a change in the approximately 200 people that live there between the 2010 and 2020 decennial censuses.
- 2. The availability of public facilities;** The existing neighborhood is well served by public facilities, and this is not anticipated to change. The existing infrastructure will support a wide range of potential redevelopment options.
- 3. Present and future transportation patterns;** Redevelopment of this area will not negatively impact the transportation patterns of the surrounding area.
- 4. Compatibility with existing and proposed development for the area;** These lots have been vacant for 75 years or longer and can be redeveloped for a variety of potential uses.
- 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 approval of the rezoning request to the Planning Commission. The BMZA has not yet commented on this bill.
- 6. The relation of the proposed amendment to the City's plan.** There are no specific provisions of the Comprehensive Plan that addresses this particular proposal.

There are additional standards under Article 32 – *Zoning* §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;** These lots are located at a transitional area between residential and industrial uses and related zoning. There are industrial users adjacent to the south (also owned by the applicant) along the western side of East Lehigh Street. There are also homes on the eastern side of North Lehigh Street, though they are presently zoned I-2 Industrial, and so are existing nonconforming uses.
- (ii) the zoning classification of other property within the general area of the property in question;** The western side of this block is currently zoned R-4 residential, and borders on the eastern edge of the small residential area in the middle of the Orangeville neighborhood.

- (iii) **the suitability of the property in question for the uses permitted under its existing zoning classification; and** These lots have been vacant for a long time, and are suitable for additional industrial development, and an expansion of the adjacent local business will be made possible.
- (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.** The surrounding community has remained largely stable, with little overall development or other neighborhood changes in recent years.

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 allow for the expansion of a local business into property that has remained vacant for over 75 years. This associated development will contribute to the tax base beyond the minimal amounts that these vacant parcels have done for a very long time.

Notification: The Orangeville Improvement Association has been notified of this action.



Chris Ryer
Director