

Introduced by: Councilmember Scott

At the request of: Metro Development, LLC

Address: c/o Justin A. Williams, Esquire, Rosenberg | Martin | Greenberg, LLP, 25 South Charles Street, 21st Floor, Baltimore, Maryland 21201

Telephone: 410-727-6600

Prepared by: Department of Legislative Reference

Date: September 6, 2017

Referred to: LAND USE AND TRANSPORTATION Committee

Also referred for recommendation and report to municipal agencies listed on reverse.

CITY COUNCIL 17-0122

A BILL ENTITLED

AN ORDINANCE concerning

Rezoning – 1 North Haven Street

FOR the purpose of changing the zoning for the property known as 1 North Haven Street, as outlined in red on the accompanying plat, from the I-2 Zoning District to the I-MU Zoning District.

BY amending

Article 32 - Zoning
Zoning District Map
Sheet 58
Baltimore City Revised Code
(Edition 2000)



****The introduction of an Ordinance or Resolution by Councilmembers at the request of any person, firm or organization is a courtesy extended by the Councilmembers and not an indication of their position.**

Agencies

Department of Public Works	Baltimore City Public School System
Department of Real Estate	Baltimore Development Corporation
Department of Recreation and Parks	City Solicitor
Department of Transportation	Comptroller's Office
Fire Department	Department of Audits
Health Department	Department of Finance
Mayor's Office of Employment Development	Department of General Services
Mayor's Office of Human Services	Department of Housing and Community Development
Mayor's Office of Information Technology	Department of Human Resources
Office of the Mayor	Department of Planning
Police Department	Other:
Other:	Other:
Other:	Other:
Other:	Other:
Environmental Control Board	Board of Estimates
Fire & Police Employees' Retirement System	Board of Ethics
Labor Commissioner	Board of Municipal and Zoning Appeals
Parking Authority Board	Comm. for Historical and Architectural Preservation
Planning Commission	Commission on Sustainability
Wage Commission	Employees' Retirement System
Other:	Other:
Other:	Other:
Other:	Other:

Boards and Commissions

Board of Estimates	Board of Municipal and Zoning Appeals
Board of Ethics	Comm. for Historical and Architectural Preservation
Board of Municipal and Zoning Appeals	Commission on Sustainability
Comm. for Historical and Architectural Preservation	Employees' Retirement System
Commission on Sustainability	Other:
Employees' Retirement System	Other:
Other:	Other:
Other:	Other:
Other:	Other:
Environmental Control Board	Fire & Police Employees' Retirement System
Fire & Police Employees' Retirement System	Labor Commissioner
Labor Commissioner	Parking Authority Board
Parking Authority Board	Planning Commission
Planning Commission	Wage Commission
Wage Commission	Other:
Other:	Other:
Other:	Other:
Other:	Other:

CITY OF BALTIMORE
ORDINANCE **18-181**
Council Bill 17-0122

Introduced by: Councilmember Scott

At the request of: Metro Development, LLC

Address: c/o Justin A. Williams, Esquire, Rosenberg | Martin | Greenberg, LLP, 25 South
Charles Street, 21st Floor, Baltimore, Maryland 21201

Telephone: 410-727-6600

Introduced and read first time: September 11, 2017

Assigned to: Land Use and Transportation Committee

Committee Report: Favorable with amendments

Council action: Adopted

Read second time: October 15, 2018

AN ORDINANCE CONCERNING

1 Rezoning – 101 North Haven Street, ES North Haven Street 767-6' N
2 of East Lombard Street, 31 North Haven Street, ES North Haven Street 605-1' N
3 of East Lombard Street, and 1 North Haven Street

4 FOR the purpose of changing the zoning for ~~the property known as 1 North Haven Street, as~~
5 ~~outlined in red~~ certain properties known as 101 North Haven Street, ES North Haven Street
6 767-6' N of East Lombard Street, 31 North Haven Street, ES North Haven Street 605-1' N of
7 East Lombard Street, and 1 North Haven Street (Block 6254, Lot 1 and Block 6264A, Lots 1,
8 2, 3, and 5), as shown in the various color circles on the accompanying revised plat, from the
9 I-2 Zoning District to the I-MU Zoning District.

10 BY amending

11 Article 32 - Zoning
12 Zoning District Map
13 Sheet 58
14 Baltimore City Revised Code
15 (Edition 2000)

16 SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That
17 Sheet 58 of the Zoning District Map is amended by changing from the I-2 Zoning District to the
18 I-MU Zoning District ~~the property known as 1 North Haven Street, as outlined in red~~ certain
19 properties known as 101 North Haven Street, ES North Haven Street 767-6' N of East Lombard
20 Street, 31 North Haven Street, ES North Haven Street 605-1' N of East Lombard Street, and 1
21 North Haven Street (Block 6254, Lot 1 and Block 6264A, Lots 1, 2, 3, and 5), as shown in the
22 various color circles on the revised plat accompanying this Ordinance.

23 SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the
24 accompanying revised plat and in order to give notice to the agencies that administer the City
25 Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City

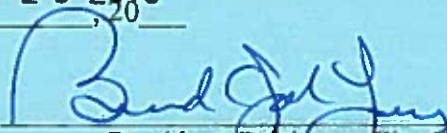
EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strikeout~~ indicates matter stricken from the bill by
amendment or deleted from existing law by amendment.

Council Bill 17-0122

1 Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign
2 the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat
3 to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of
4 Housing and Community Development, the Supervisor of Assessments for Baltimore City, and
5 the Zoning Administrator.

6 SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day
7 after the date it is enacted.

Certified as duly passed this _____ day of OCT 29 2018, 20____



President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,
this _____ day of OCT 29 2018, 20____




Chief Clerk

Approved this 9 day of November, 2018



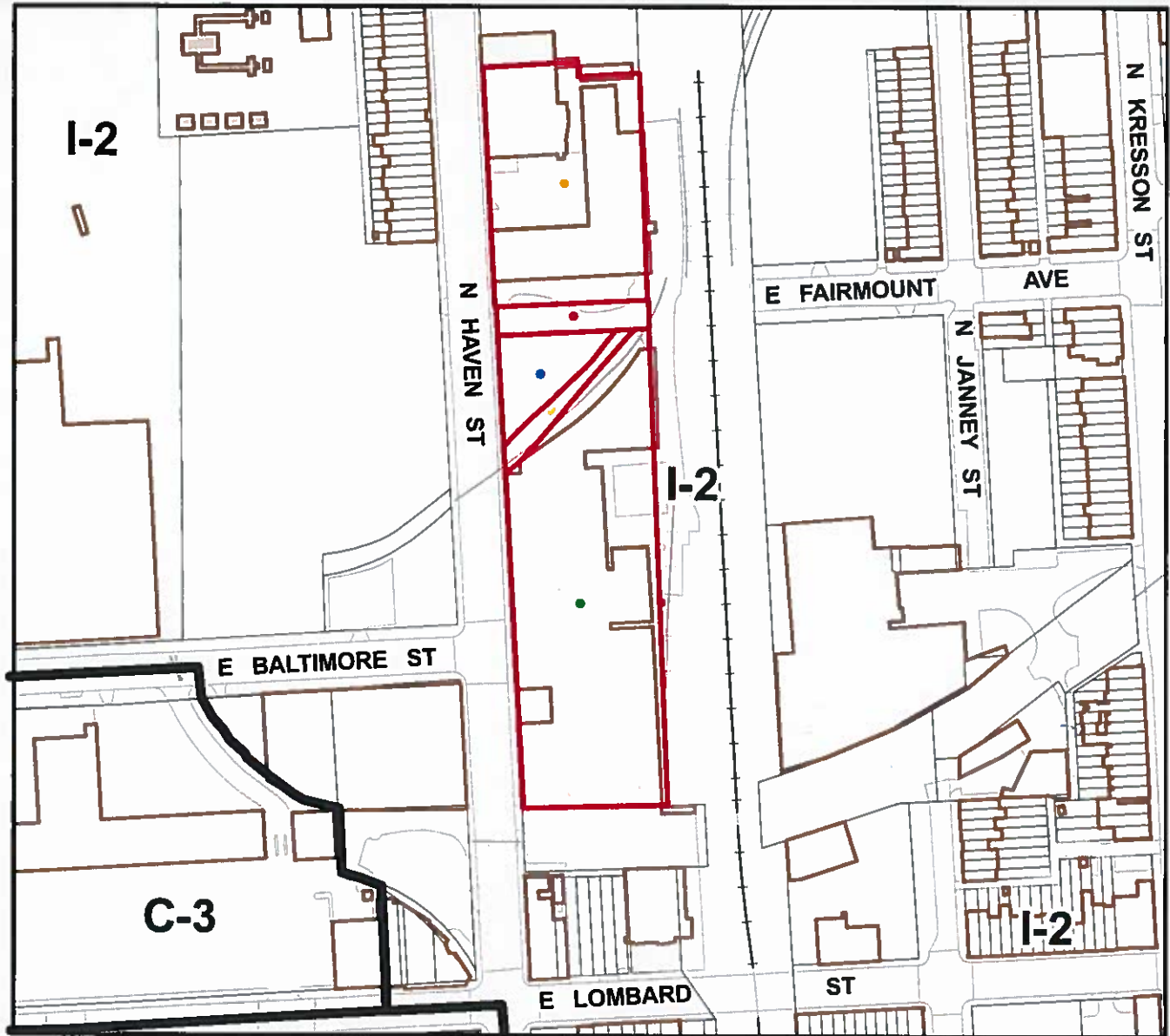
Mayor, Baltimore City

Approved For Form and Legal Sufficiency
This 5th Day of November 2018



Chief Solicitor

**SHEET NO. 58 OF THE ZONING MAP OF
THE ZONING CODE OF BALTIMORE CITY**



Scale: 1" = 200'

Note: In Connection With Properties Known As:

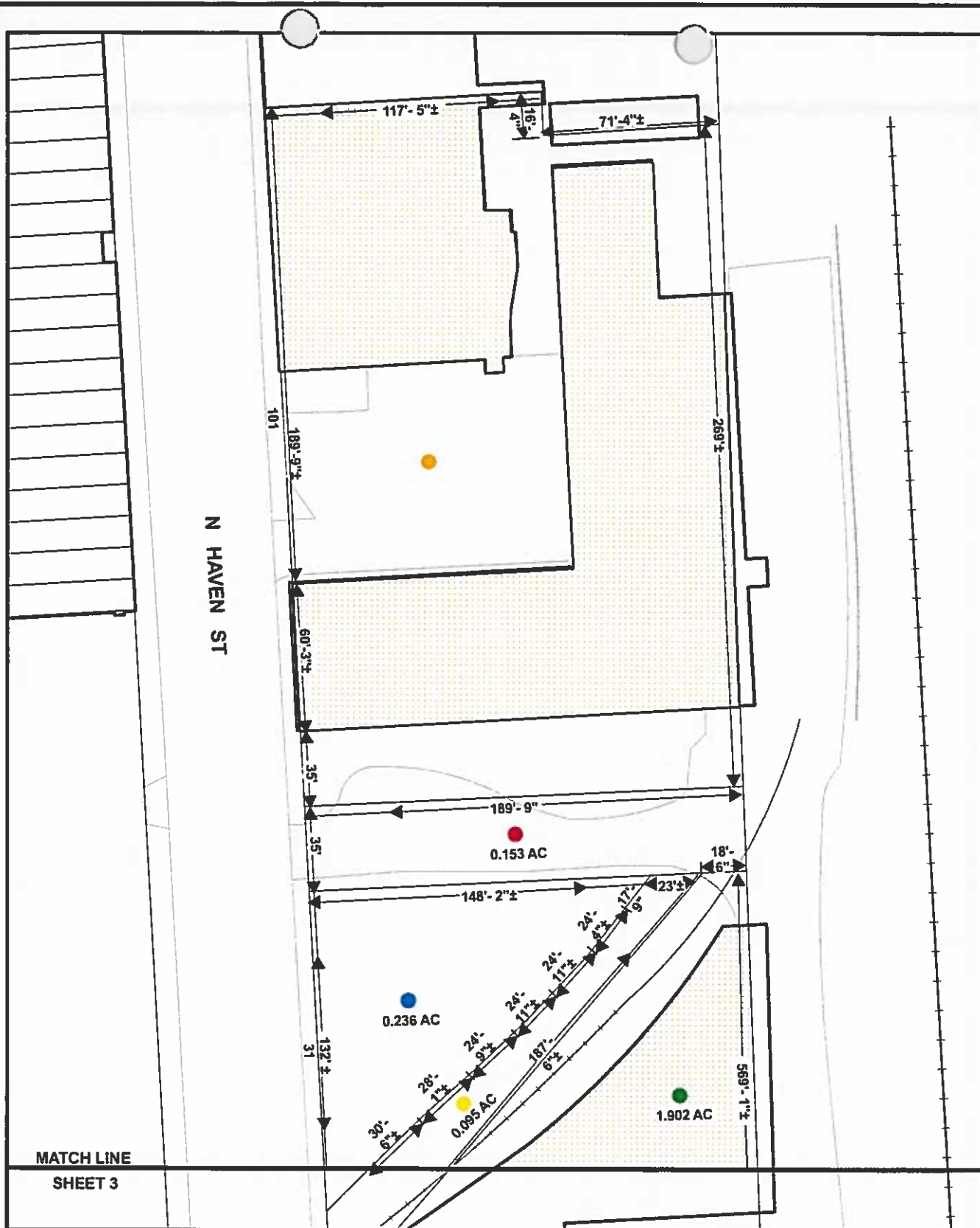
- 101 N HAVEN STREET
- ES N HAVEN ST 767-6'N Of E LOMBARD ST
- 31 N HAVEN STREET
- ES N HAVEN ST 605-1'N Of E LOMBARD ST
- 1 N HAVEN STREET

The Applicant Wishes To Request The Rezoning Of The Aforementioned Properties From I-2 Zoning to I-MU Zoning, As Shown In Various Color Circles Above.

WARD 26 SECTION 18
BLOCK 6254 LOTS 1
6264A 1, 2, 3 & 5

[Signature]
MAYOR
[Signature]
PRESIDENT CITY COUNCIL

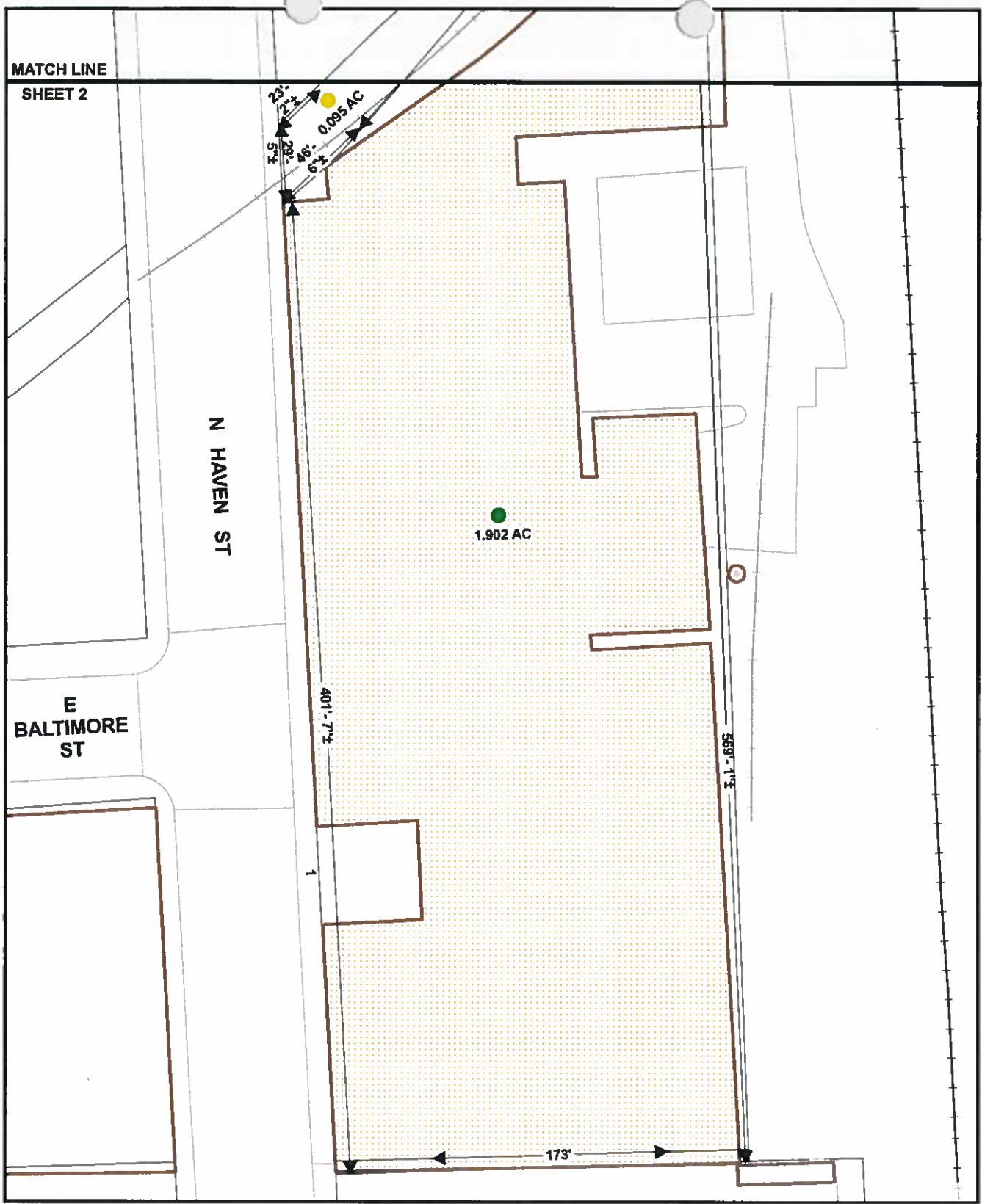
122



Scale: 1" = 60'

- 101 N HAVEN STREET
- ES N HAVEN ST 767-6'N OF E LOMBARD ST
- 31 N HAVEN STREET
- ES N HAVEN ST 605-1'N OF E LOMBARD ST
- 1 N HAVEN STREET

MATCH LINE
SHEET 2



Scale: 1" = 60'

● 1 N HAVEN STREET

AMENDMENTS TO COUNCIL BILL 17-0122
(1st Reader Copy)

APPROVED FOR FORM STYLE, AND TEXTUAL SUFFICIEN
9-28-18
DEPT LEGISLATIVE REFERENC

By: Land Use and Transportation Committee

ADOPTED

Amendment No. 1

On page 1, in line 2, before “1”, insert “101 North Haven Street, ES North Haven Street 767-6' N of East Lombard Street, 31 North Haven Street, ES North Haven Street 605-1' N of East Lombard Street, and”.

Amendment No. 2

On page 1, in lines 3 and 4 and in line 14, in each instance, strike “the property known as 1 North Haven Street, as outlined in red” and substitute “certain properties known as 101 North Haven Street, ES North Haven Street 767-6' N of East Lombard Street, 31 North Haven Street, ES North Haven Street 605-1' N of East Lombard Street, and 1 North Haven Street (Block 6254, Lot 1 and Block 6264A, Lots 1, 2, 3, and 5), as shown in the various color circles”.

Amendment No. 3

On page 1, in lines 4, 14, and 17, in each instance, before “plat”, insert “revised”.

ADOPED

BALTIMORE CITY COUNCIL LAND USE AND TRANSPORTATION VOTING RECORD

BILL#: 17-0122

DATE: September 26, 2018

BILL TITLE: Rezoning - 1 North Haven Street

MOTION BY: Stokes SECONDED BY: Jersey

FAVORABLE

FAVORABLE WITH AMENDMENTS

UNFAVORABLE

WITHOUT RECOMMENDATION

NAME	YEAS	NAYS	ABSENT	ABSTAIN
Reisinger, Edward, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Middleton, Sharon, Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Clarke, Mary Pat	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Costello, Eric	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dorsey, Ryan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pinkett, Leon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stokes, Robert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOTALS	<u>5</u>		<u>1</u>	<u>1</u>

CHAIRPERSON: Edward Reisinger

COMMITTEE STAFF: Jennifer L. Coates, Initials: JLC

LAND USE AND TRANSPORTATION COMMITTEE

FINDINGS OF FACT

MOTION OF THE CHAIR OF THE LAND USE AND TRANSPORTATION 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:

CITY COUNCIL BILL NO: 17-0122 REZONING – 1 NORTH HAVEN STREET

Upon finding as follows with regard to:

(1) Population changes;

The census tract that includes the Properties (1 N Haven Street; 101 N. Haven Street; ES N. Haven Street 767-6' N of E. Lombard Street; 31 N. Haven Street ES N Haven Street 605-1' N of E. Lombard Street) has increased its population from 1,507 in 2009 to 2,555 in 2014 per census estimates. This is a 69% increase and a reflection of the change in the character of the area away from solely heavy industrial.

(2) The availability of public facilities;

The area is well-served by public utilities and services, and will remain so for the foreseeable future.

(3) Present and future transportation patterns;

The rezoning of the Properties will not adversely impact present or future transportation patterns. Haven Street is a designated "through truck route" on the City's Official Truck Route map. This is consistent with the light industrial and commercial uses permitted in the Industrial Mixed-Use Zoning District.

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

Per Section 11-203(a) of the Zoning Code, the intent of the I-MU Zoning District is "to encourage the reuse of industrial buildings for light industrial use, as well as a variety of non-industrial uses." The buildings on the Properties are too old and are ill-suited to be utilized for modern heavy industrial users. The existing and proposed development of the Properties have been in line with the intent of the I-MU Zoning District as a variety of light-industrial and compatible non-industrial uses have been added there for several years.



The wider general area is industrial in nature, but is comprised of a wide mix of uses, which make the industrial mixed-use designation appropriate and compatible. Directly across the street from the Properties are several dozen rowhomes as well as The Mid-Atlantic Baking Company facility. While the rowhomes are zoned I-2, notably, the residential uses are not permitted in the I-2 Zoning District. The Highlandtown Village Shopping Center is zoned C-3 and the Highlandtown Co-Op Senior Housing Facility, is zoned C-1: both are located in close proximity.

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

The Baltimore City Planning Commission recommended amendment and passage of the rezoning for the Properties to I-MU. The Planning Department met in October 2017 and endeavored to create a new IMU-2 Zoning District which would not allow residential uses. Certain properties will be considered for inclusion in the comprehensive rezoning for the newly proposed IMU-2 Zoning District.

The Board of Municipal and Zoning Appeals supports the passage of Bill No 17-0122 as the property will remain industrially zoned but will allow a broader set of development on this site while acting as a buffer between heavy industry and commercial and residential uses. This Council may consider this a mistake during comprehensive rezoning that I-1/2 were not more fully buffered from commercial and residential zones with I-MU and similar zoning classifications as exists six blocks south at the intersection of Haven Street and Eastern Avenue.

The Department of Housing's initial report did not support the bill but has since been revised in lieu of the forthcoming initiative to include the property in a comprehensive rezoning of certain properties to IMU-2 Zoning District.

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

The City's LiveEarnPlayLearn Master Plan specifically notes that "the current requirements of industrial users no longer fit into the strictly industrial models in [the] Zoning Code [then in effect]..." and recommends the creation of a mixed-use district that permits industrial users to "have a mix of office and other supporting uses that are not traditionally industrial in nature, but are necessary to include in the same buildings." Comprehensive Master Plan, Recommendations, p. 163.

The proposed rezoning of the Properties to I-MU will allow for the continued reuse of the existing buildings with industrial uses, such as a woodworking facility, while also permitting the Properties to include more commercial and light industrial components, such as a brewery, indoor recreation, and offices, in those same buildings.

Moreover, the Zoning Code itself indicates that the I-MU Zoning District "is intended to encourage the reuse of older industrial buildings for light industrial use, as well as a variety of non-industrial uses" and adds that [t]hese older industrial buildings are often surrounding by residential and other non-industrial uses." § 11-203(a).

This type of zoning is appropriate for the Properties as they are adjacent to the rowhomes along North Haven Street and will accommodate the continued adaptive reuse of the buildings, which both obtained BMZA approval to offices, while also containing a number of light-industrial and commercial uses.

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

The Properties are located along a portion of Haven Street between Lombard Street and Pulaski Highway that has a wide mix of uses, including residential, commercial and industrial. At Pulaski Highway and Haven Street are retail uses, while at Lombard Street and Haven Street there are taverns and a banquet hall. Directly across the street from the Properties are houses and bakery distribution facility. The I-MU designation is a good fit for this mix of uses.

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

In addition to the I-2-zoned areas that abut the Properties, the nearby Highlandtown Village Shopping Center is zoned C-3. Other nearby zoning designations include I-1, C-1, and R-8. The proposed I-MU zoning designation is appropriate as a transition among these zoning districts.

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

The Properties are currently zoned I-2, which "is intended to provide for a wide variety of general manufacturing, fabricating, processing, wholesale distributing, and warehousing uses." The Properties, which were recently approved for office uses and are improved with renovated buildings with flex industrial and office uses, are not well-suited to be solely zoned for heavy industrial uses.

(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;

The Properties were placed in their present zoning classification when Transform Baltimore became effective on June 5, 2017. The general trend of development in the vicinity has been mixed-use development. Since the time Transform Baltimore was first introduced in the City Council in early 2012, the Properties both received BMZA approval for office uses and have since been redeveloped with a mix of uses that are now non-conforming in the current I-2 Zoning District.

- (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:

Here, there was a mistake in the 2017 comprehensive rezoning of the Property as I-2 in that the City Council did not consider the significant adaptive reuse project occurring at 1 North Haven Street. The former warehouse building on the Property was constructed in 1920 and completely renovated in 2015 to allow for a mix of office and light-industrial tenants. The BMZA granted approval of the request to use portions of the property as "business and professional offices, other than accessory, within a mixed-use industrial and manufacturing building" in Appeal No. 2015-93. In early 2017, Monument City Brewing opened a 12,800-SF brewery and taproom at the property. The adaptive reuse of the Property to allow for these office and brewery uses no longer makes it suitable for heavy-industrial tenants, and it was a mistake for the City Council to rezone the property to a map designation that makes the office and brewery uses non-conforming, and thus, would not permit them to expand.

For the same reason, and in light of the proposed findings of fact outlined below, the following properties, which are part of the same campus as 1 N. Haven Street and identified on the Plat dated 8-28-18 (collectively, the "Additional Properties"), should be added to the rezoning bill as recommended by the Planning Commission:

101 N. Haven Street
ES N. Haven Street 767-6' N of E. Lombard Street
31 N. Haven Street
ES N Haven Street 605-1' N of E. Lombard Street

The rezoning of the Additional Properties to I-2 was also a significant mistake as the BMZA approved the use of portions of the Additional Property for offices in Appeal

No. 2012-389. The improvements on the property known as 101 N. Haven Street was designated a Historic Landmark by the City Council in 2013. In the Landmark Designation Report, it was specifically noted that the owner was "in the process of rehabilitating and renting the property as a mixed-use office complex" and that "the current rehabilitation and adaptive reuse [was] also part of the larger trend of Baltimore's recent history of deindustrialization." Significantly, following the rehabilitation of 101 N. Haven Street to permit office uses, the City's Emerging Technology Center, (the "ETC") moved its technology incubator to 101 N. Haven Street. A venture of the Baltimore Development Corporation, the ETC houses dozens of startup companies, some of which have leased commercial space in the building. Since its founding, the ETC client companies have received over \$1.6 billion in funding and created over 2,325 creative class jobs. It was a mistake to rezone the property to a designation that makes office uses non-conforming, and thus, would prevent the ETC from expanding and prevent the companies the ETC incubates from locating in other portions of the property.

SOURCE OF FINDINGS (Check all that apply):

- Planning Commission Report – Dated July 16, 2018
- Testimony presented at the Committee hearing on September 26, 2018

Oral – Witness Name:

- The Honorable Brandon Scott, City Council District 2
- Mr. Eric Tiso, Department of Planning
- Mr. Derek Baumgardner, Board of Municipal Zoning Appeals
- Ms. Sharon DaBoin, Department of Housing and Community Development
- Ms. Jennifer Guthrie, Maryland Port Authority
- Mr. Justin Williams, representative for the applicant

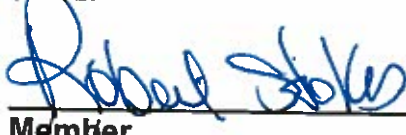
Written – Submitted by:

- Baltimore City Planning Commission, Agency Report – Dated July 16, 2018
- Baltimore City Board of Municipal and Zoning Appeals, Agency Report – Dated September 21, 2018
- Rosenberg Martin Greenberg, Mr. Justin Williams, Memoranda Dated September 26, 2018
- Highlandtown Community Association, Letter of Support – Dated September 27, 2017

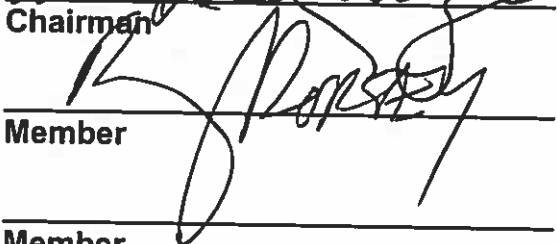
LAND USE AND TRANSPORTATION COMMITTEE:



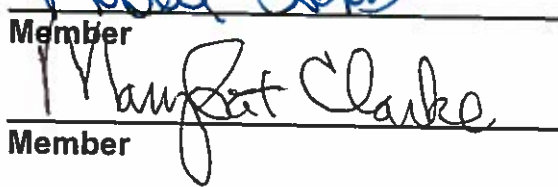
Chairman



Member



Member



Member

Member

Member

Member

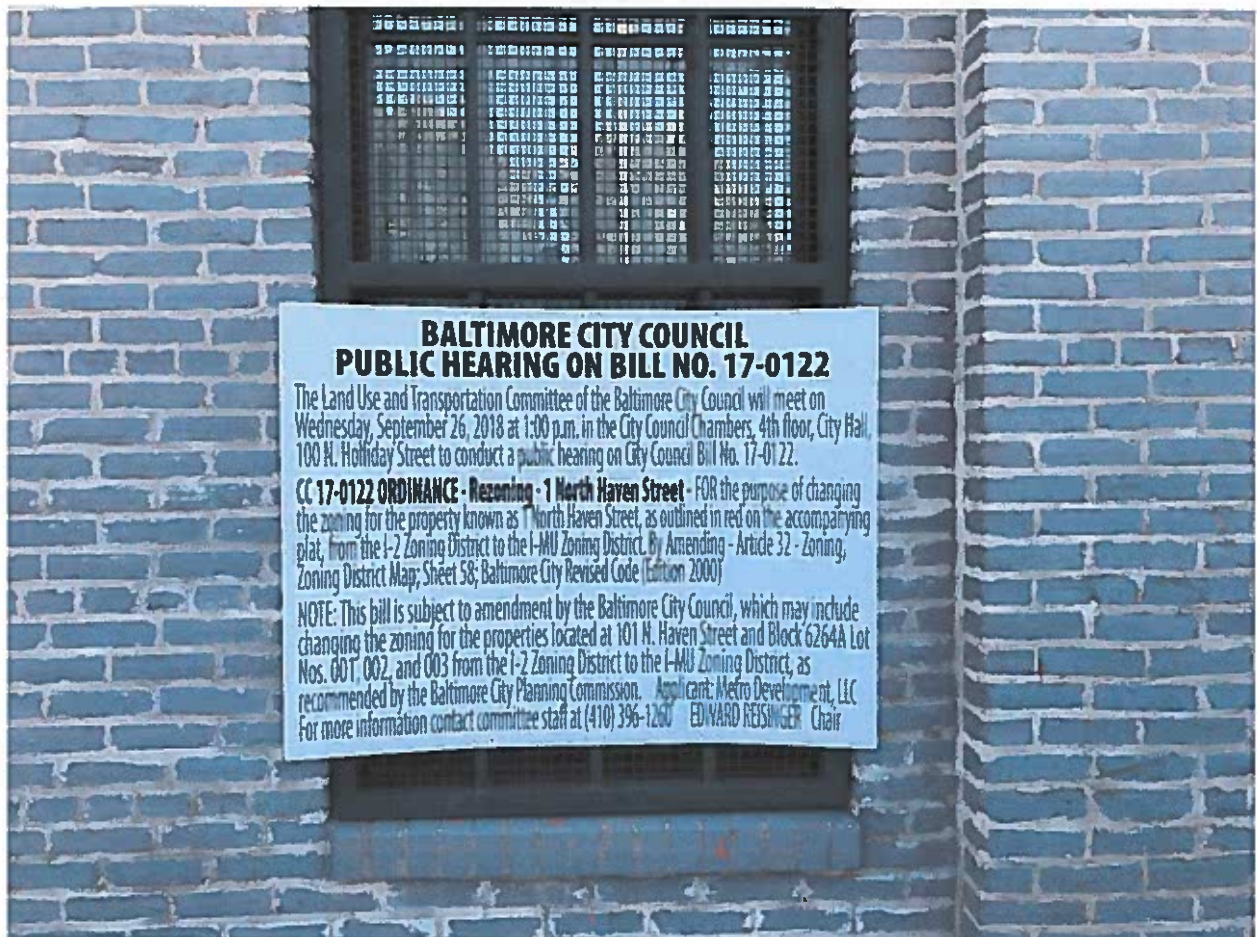
Member

What about

~~the other side~~

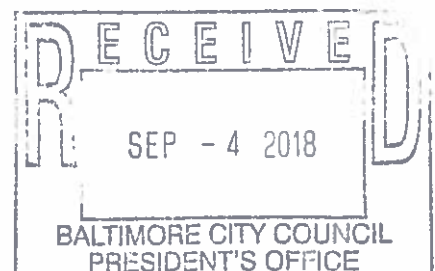
Baltimore City Council
Certificate of Posting - Public Hearing Notice
City Council Bill No.: 17-0122

AUGUST 26, 2018

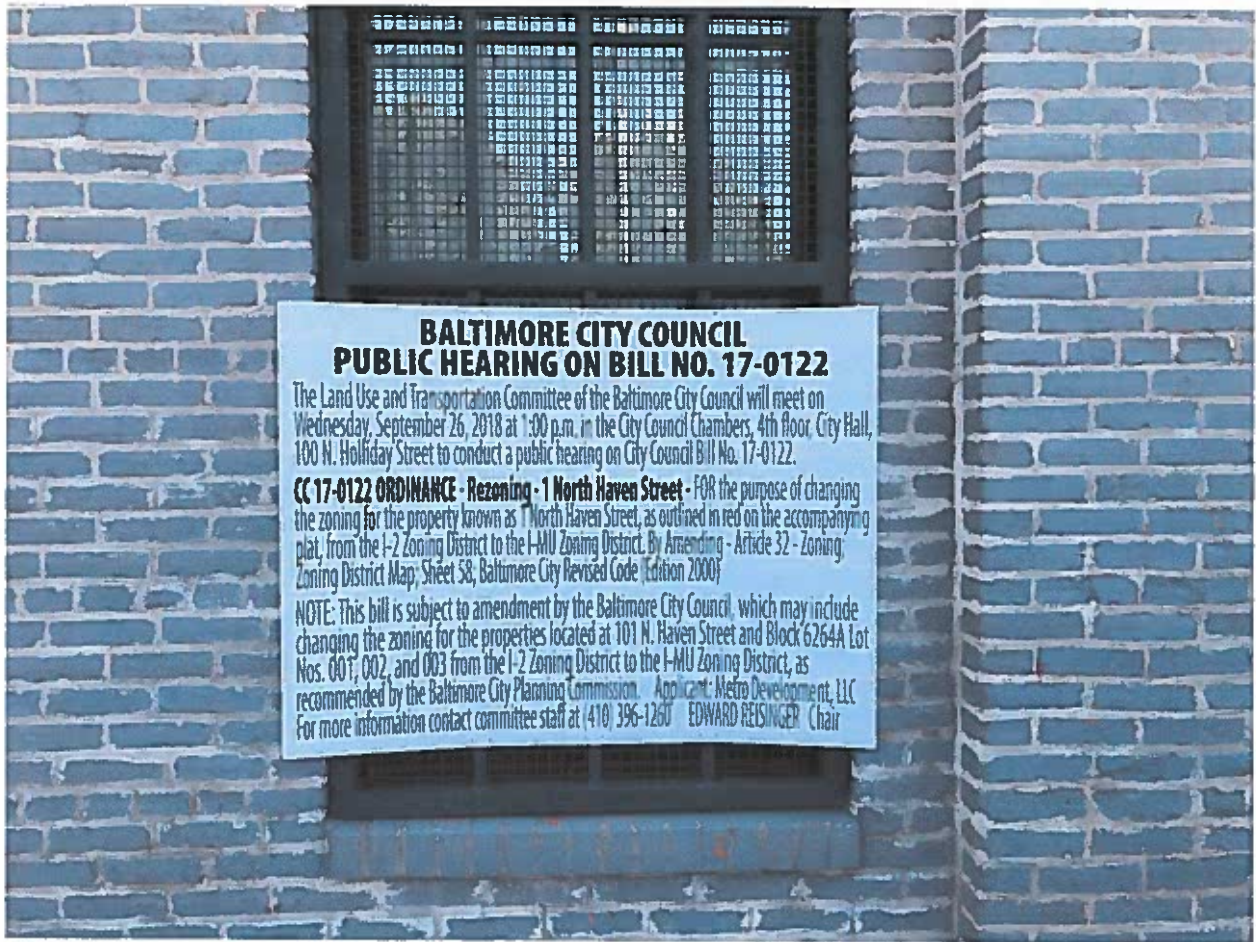


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(Place a picture of the posted sign in the picture box below.)



- Email to: Natawnab.Austin@baltimorecity.gov
- Mail to: Baltimore City Council; c/o Natawna B. Austin; Room 409, City Hall; 100 N. Holliday Street; Baltimore, MD 21202



Address: 101 N. HAVEN STREET BLOCK 6254 LOT 001

Date Posted: 8/26/2018

Name: MARTIN OGLE

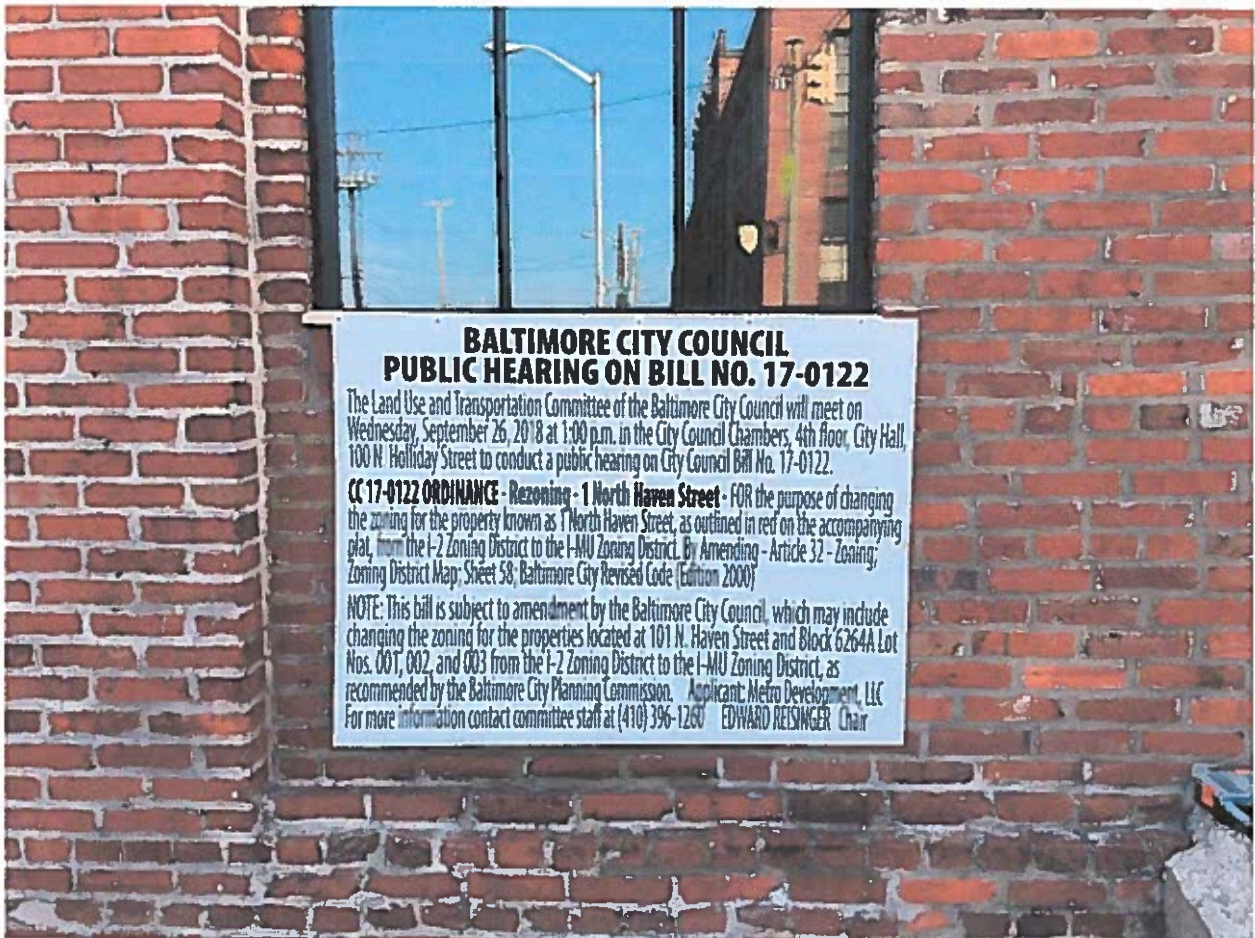
Address: 9912 MAIDBROOK RD. BALT. MD. 21234

Telephone: 443-629-3411

- Email to: Natawnab.Austin@baltimorecity.gov
- Mail to: Baltimore City Council; c/o Natawna B. Austin; Room 409, City Hall; 100 N. Holliday Street; Baltimore, MD 21202

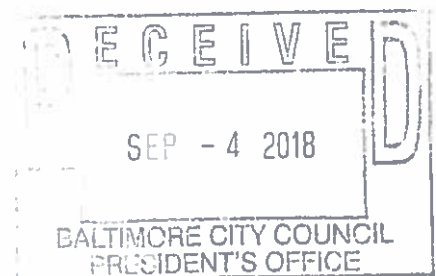
Baltimore City Council
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AUGUST 26, 2018

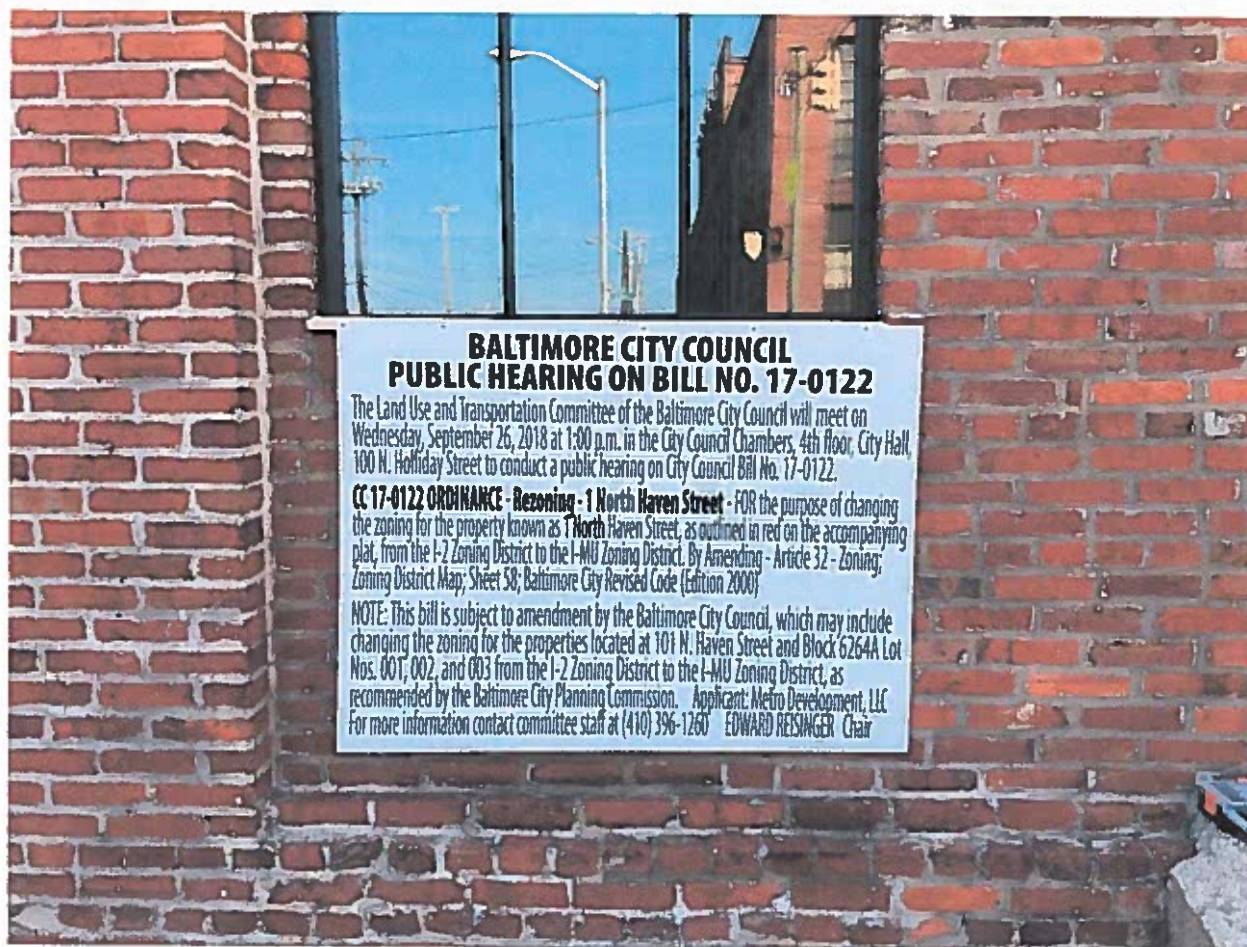


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Address: 1 N. HAVEN STREET

Date Posted: 8/26/2018

Name: MARTIN OGLE

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Telephone: 443-629-3411

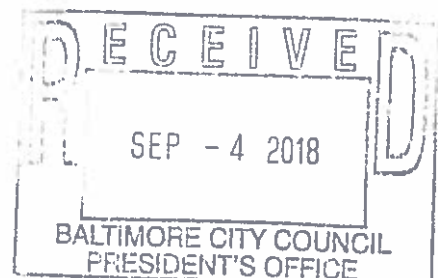
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City Council Bill No.: 17-0122
AUGUST 26, 2018

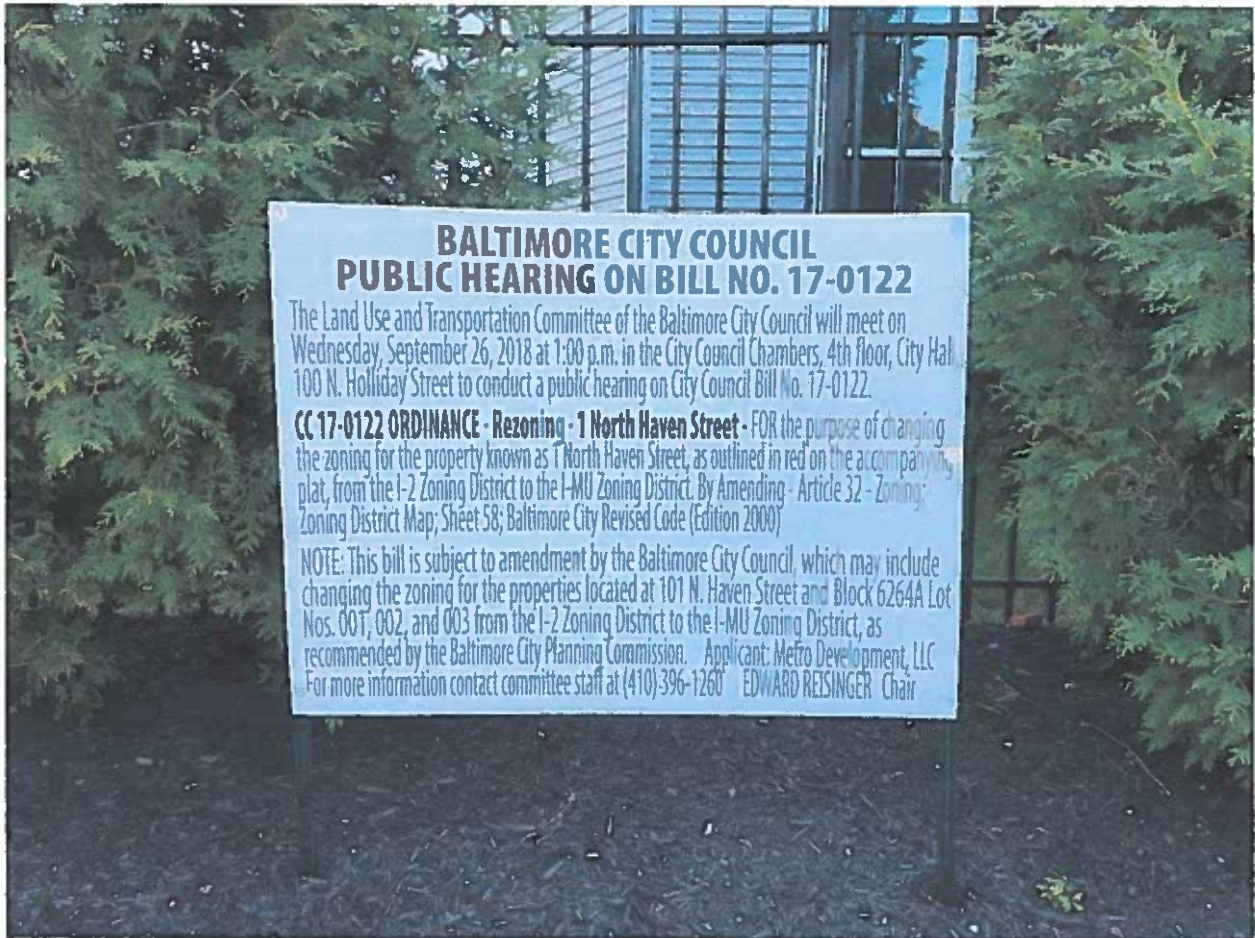


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Address: 1 N. HAVEN STREET BLOCK 6264A LOT 003

Date Posted: 8/26/2018

Name: MARTIN OGLE

Address: 9912 MAIDBROOK RD. BALT. MD. 21234

Telephone: 443-629-3411

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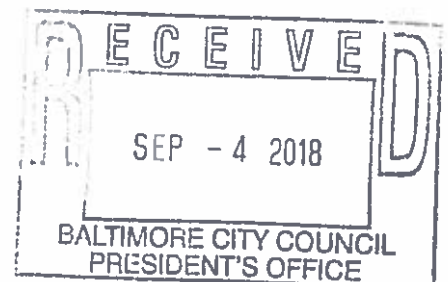
Baltimore City Council
Certificate of Posting - Public Hearing Notice
City Council Bill No.: 17-0122

AUGUST 26, 2018



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Address: 1 N. HAVEN STREET BLOCK 6264A LOT 002

Date Posted: 8/26/2018

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Telephone: 443-629-3411

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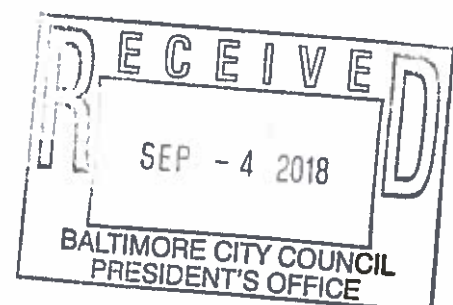
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AUGUST 26, 2018



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Date Posted: 8/26/2018

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The Daily Record

11 East Saratoga Street
Baltimore, MD 21202-2199
(443) 524-8100

<http://www.thedailyrecord.com>

Order #: 11611544

Case #:

Description:

PUBLIC HEARING ON BILL NO. 17-0122

PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in **The Daily Record**, a daily newspaper published in the State of Maryland 1 times on the following dates:

9/4/2018

Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore City

BALTIMORE CITY COUNCIL

PUBLIC HEARING ON BILL NO. 17-0122

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, September 26, 2018 at 1:00 p.m. in the City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street to conduct a public hearing on City Council Bill No. 17-0122.

CC 17-0122 ORDINANCE - Rezoning - 1 North Haven Street - FOR the purpose of changing the zoning for the property known as 1 North Haven Street, as outlined in red on the accompanying plat, from the I-2 Zoning District to the I-MU Zoning District.

BY amending
Article 32 - Zoning
Zoning District Map
Sheet 58
Baltimore City Revised Code
(Edition 2000)

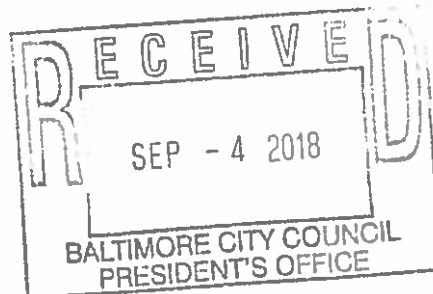
NOTE: This bill is subject to amendment by the Baltimore City Council, which may include changing the zoning for the properties located at 101 N. Haven Street and Block 626-4A Lot Nos. 001, 002, and 003 from the I-2 Zoning District to the I-MU Zoning District, as recommended by the Baltimore City Planning Commission.

Applicant: Metro Development, LLC

For more information contact committee staff at (410) 396-1260.

EDWARD REISINGER
Chair

84





**Rosenberg
Martin
Greenberg** LLP

Maggie Giordano, Paralegal
Direct Dial: 410.649.4987
mgjordano@rosenbergmartin.com

August 22, 2018

Metro Development, LLC
3242 Esther Place
Baltimore, MD 21224

**Re: Baltimore City Council
Public Hearing on Bill No. 17-0122
Your Property: 1 N. Haven St., 31 N. Haven St., & Block 6264A/Lot 001**

Dear Property Owner:

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, September 26, 2018 at 1:00 p.m. in the City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street to conduct a public hearing on City Council Bill No. 17-0122.

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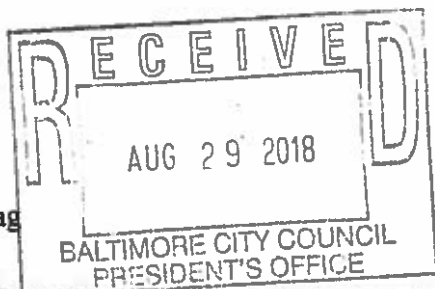
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Applicant: Metro Development, LLC

For more information contact committee staff at (410) 396-1260.

EDWARD REISINGER, Chair



/mag

Very truly yours,

Maggie Giordano

1824-2893-0312

25 South Charles Street, 21st floor
Baltimore, MD 21201-3305

T 410.727.6600
F 410.727.1195

rosenbergmartin.com



**Rosenberg
Martin
Greenberg** LLP

Maggie Giordano, Paralegal
Direct Dial: 410.649.4987
mgiordano@rosenbergmartin.com

August 22, 2018

101 North Haven Street, LLC
3242 Esther Place
Baltimore, MD 21224

**Re: Baltimore City Council
Public Hearing on Bill No. 17-0122
Your Property: 101 N. Haven Street**

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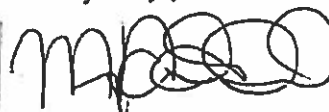
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Applicant: Metro Development, LLC

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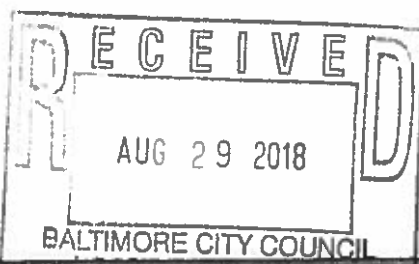
EDWARD REISINGER, Chair

Very truly yours,



Maggie Giordano

/mag



4820-2833-9372, v. 1

25 South Charles Street, 21st Floor
Baltimore, MD 21201-3305

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F 410.727.1115

rosenbergmartin.com



**Rosenberg
Martin
Greenberg** LLP

Maggie Giordano, Paralegal
Direct Dial: 410.649.4987
mgiordano@rosenbergmartin.com

August 22, 2018

Pennsylvania Lines, LLC
c/o Norfolk Southern Railway Co.
110 Franklin Road, SE
Roanoke, VA 24042

**Re: Baltimore City Council
Public Hearing on Bill No. 17-0122
Your Property: Block 6264A/Lot 003**

Dear Property Owner:

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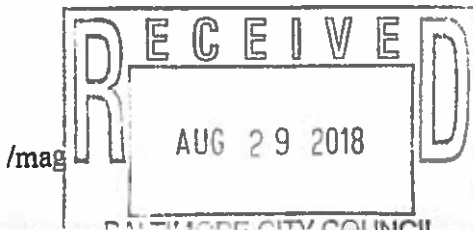
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EDWARD REISINGER, Chair

Very truly yours,


Maggie Giordano



25 South Charles Street, 21st Floor
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T 410 727 6600
F 410 727 1115


rosenbergmartin.com



**Rosenberg
Martin
Greenberg** ^{LLP}

Pennsylvania Lines, LLC
c/o Norfolk Southern Railway Co.
110 Franklin Road, SE
Roanoke, VA 24042



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RECEIVED
AUG 29 2018
BALTIMORE CITY COUNCIL
PRESIDENT'S OFFICE



**Rosenberg
Martin
Greenberg** LLP

Metro Development, LLC
3242 Esther Place
Baltimore, MD 21224



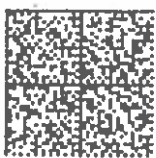
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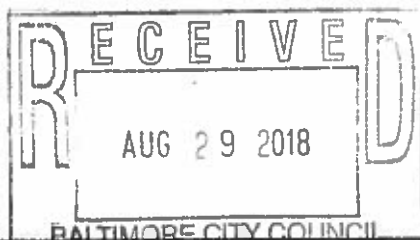
For more information contact committee staff at (410) 396-1260.

EDWARD REISINGER, Chair

Very truly yours,


Maggie Giordano

/mag



410-253-3312, V.1

25 South Charles Street, 21st Floor
Baltimore, MD 21201-3309

T 410.727.6600
F 410.727.1115

rosenbergmartin.com



**Rosenberg
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August 22, 2018

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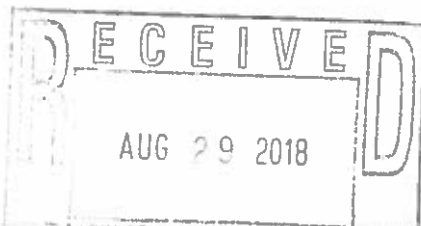
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4828-2833-9312 v. 1

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August 22, 2018

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c/o Norfolk Southern Railway Co.
110 Franklin Road, SE
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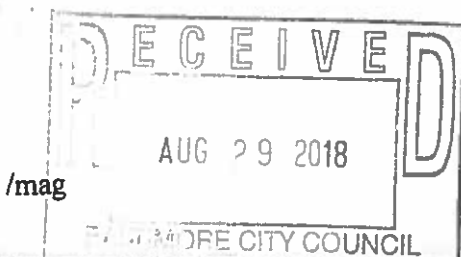
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Applicant: Metro Development, LLC

For more information contact committee staff at (410) 396-1260.

EDWARD REISINGER, Chair



Very truly yours,

Maggie Giordano

/mag

410-283-8312, V.

25 South Charles Street, 21st Floor
Baltimore, MD 21201 3305

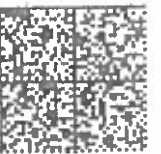
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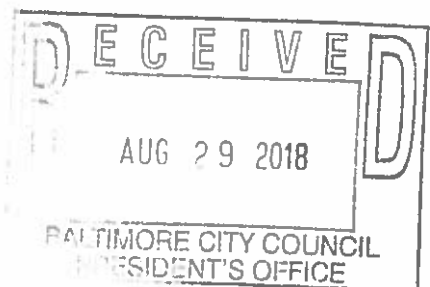


Rosenberg
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Metro Development, LLC
3242 Esther Place
Baltimore, MD 21224

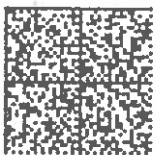


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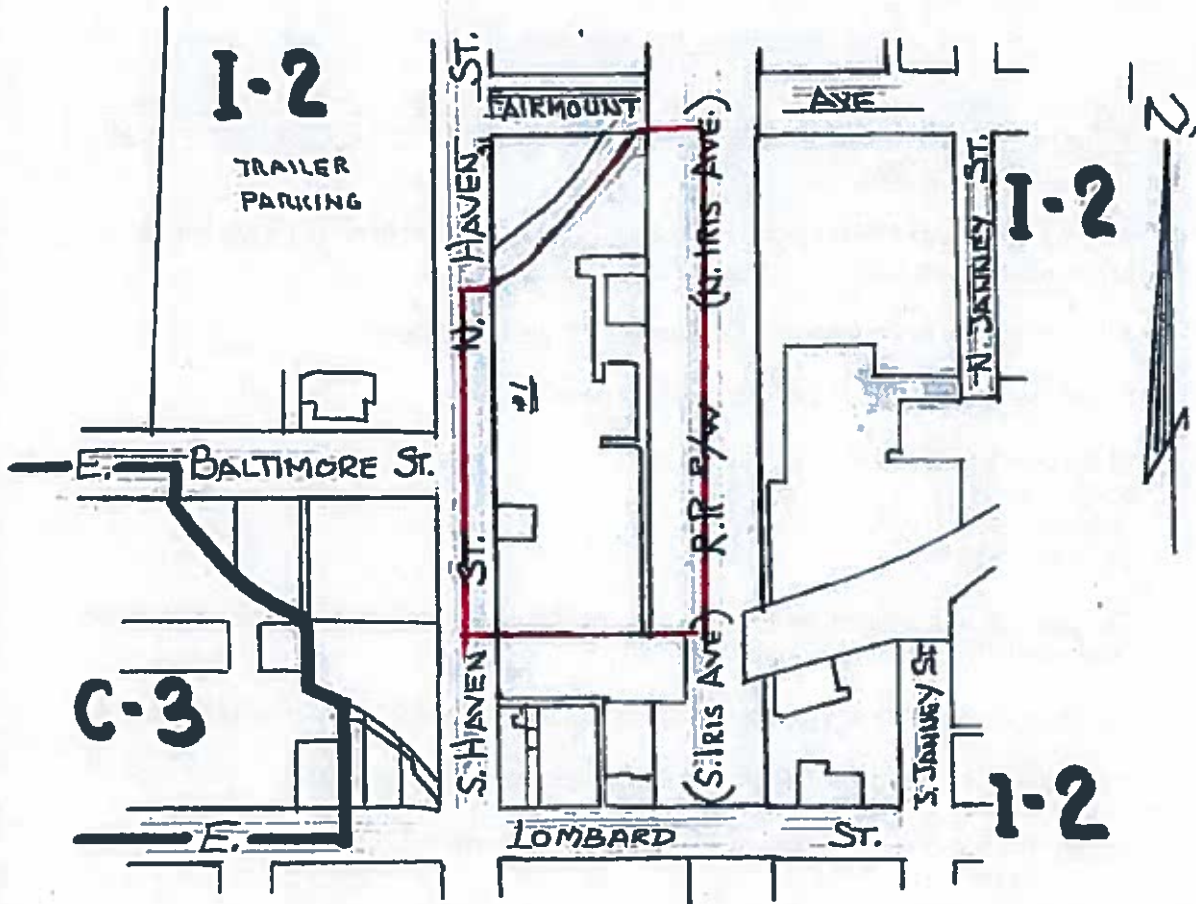
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SHEET NO. 58 OF THE ZONING DISTRICT MAPS OF ARTICLE 30 OF THE BALTIMORE CITY CODE, 1966 EDITION, AS AMENDED BY ORDINANCE NUMBERS 16-581 AND 17-015 AS APPROVED.



AREA OUTLINED IN RED TO BE CHANGED
FROM: THE I-2 ZONING DISTRICT
TO: THE I-MU ZONING DISTRICT

SCALE: 1" = 200'

FOR:
 METRO DEVELOPMENT LLC
 c/o JUSTIN WILLIAMS
 75 S. CHARLES ST. 2101
 BALTIMORE, MD. 21201



MAYOR



PRESIDENT CITY COUNCIL

SDS

**STATEMENT OF INTENT
FOR**

Rezoning – 1 N. Haven Street

1. Applicant's name, address and telephone number: Metro Development, LLC c/o Justin A. Williams, Rosenberg Martin Greenberg, LLP, 25 S. Charles Street, 21st Floor, Baltimore, MD 21201 (410) 727-6600

2. All proposed changes for the property: Rezone 1 N. Haven Street from the I-2 Zoning District to the I-MU Zoning District.

3. All intended uses of the property: Commercial and light industrial uses

4. Current owner's name, address, and telephone number:

Metro Development, LLC
3242 Esther Place
Baltimore, MD 21224
(410) 563-7549

5. The property was acquired by the current owner by deed recorded in the Land Records of Baltimore City in Liber 16430 folio 376.

6. (a) There is X is not ___ a contract contingent on the requested legislative authorization.

(b) If there is a contract contingent on the requested legislative authorization:

(i) The names and addresses of all parties on the contract are (use additional sheet if necessary):

Urban Sports Ventures, LLC

716 League Street

Philadelphia, PA 19147

(ii) The purpose, nature and effect of the contract are: Urban Sports Ventures, LLC has entered into an agreement to lease a portion of the premises, pending enactment of the rezoning legislation.

7. (a) The applicant is ___ is not X acting as an agent for another.

(b) If the applicant is acting as an agent for another, the names of all principals on whose behalf the applicant is acting, including the names of the majority stockholders of any corporation, are (use additional sheet if necessary): N/A

Coates, Jennifer

From: Coates, Jennifer
Sent: Tuesday, August 07, 2018 3:57 PM
To: 'Williams, Justin'
Cc: Scott, Brandon; Austin, Natawna B.; Bishop, Ervin
Subject: Hearing for City Council Bill 17-0122
Attachments: PNI - Letter - 17-0122 - RZ - 1 North Haven Street.docx; Afro American; Michele Griesbauer - Sunpaper - Advertising; Darlene Miller - Daily Record; Sign Posting Contacts.pdf; Sample - Certificate of Posting - Attachment C.docx

Good Afternoon Mr. Williams:

Attached is the information you will need to post a public hearing sign and newspaper ad for the subject bill to be heard by the Land Use and Transportation Committee on **September 26, 2018 at 1:00 p.m.** at City Hall in the City Council Chamber. I have also attached a contact list for sign makers, a list of newspaper ad contacts and a sample template for the sign posting certification.

Thank you and feel free to call me if you need more information.

PLEASE ACKNOWLEDGE RECEIPT OF THIS EMAIL.



Jennifer L. Coates

*Senior Legislative Policy Analyst
Office of Council Services*

100 N. Holliday Street, Room 415
Baltimore, MD 21202

jennifer.coates@baltimorecity.gov

OFFICE OF COUNCIL SERVICES

Office: (410) 396-1260

Fax: (410) 545-7596

Confidentiality Notice:

This e-mail, including any attachment(s), is intended for receipt and use by the intended addressee(s), and may contain legal or other confidential and privileged information. If you are not an intended recipient of this e-mail, you are hereby notified that any unauthorized use or distribution of this e-mail is strictly prohibited, and requested to delete this communication and its attachment(s) without making any copies thereof and to contact the sender of this e-mail immediately. Nothing contained in the body and/or header of this e-mail is intended as a signature or intended to bind the addressor or any person represented by the addressor to the terms of any agreement that may be the subject of this e-mail or its attachment(s), except where such intent is expressly indicated.

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

TO: Metro Development, LLC c/o Mr. Justin A. Williams, Esquire,
Rosenberg Martin Green berg, LLP

FROM: Jennifer L. Coates, Committee Staff, Land Use and Transportation Committee,
Baltimore City Council

Date: August 7, 2018

RE: INSTRUCTIONS FOR NOTICE OF A PUBLIC HEARING – MAP AMENDMENTS
(REZONINGS); TEXT AMENDMENTS AND PLANNED UNIT DEVELOPMENTS

The Land Use and Transportation Committee has scheduled the following City Council Bill for a public hearing:

Bill: City Council Bill No. 17-0122

Date: Wednesday, September 26, 2018

Time: 1:00 p.m.

Place: City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street

At the expense of the applicant, notice of the public hearing must be provided in accordance with:

- **Article 32. Zoning § 5-601 – Map or Text Amendments; PUDs**

For helpful information about the notice requirements under Article 32 - Zoning (pages 127 – 128) see Attachment B. You are encouraged to access and review Article 32 using the web link below:

<http://ca.baltimorecity.gov/codes/Art%2032%20-%20Zoning.pdf>

Disclaimer. The City makes no claims as to the quality, completeness, accuracy, timeliness, or content of any data contained herein or on this site. All such items and materials are provided on an "as is" basis, and you are fully and solely responsible for your use of them and for any results or consequences of your use. They have been compiled from a variety of sources, including sources beyond the control of the City, and are subject to change without notice from the City. The data is subject to change as modifications and updates are complete. It is understood that the information contained in the site is being used at one's own risk. In no event shall the City or its elected/appointed officials, municipal agencies and departments, employees, agents, or volunteers be liable for any direct, indirect, special, punitive, incidental, exemplary or consequential damages arising from your accessing or using the site, or otherwise arising from this site or from anything contained in or displayed on this site. Nothing contained in or displayed on this site constitutes or is intended to constitute legal advice by the City or any of its elected/appointed officials, municipal agencies and departments, employees, agents, and volunteers

Newspaper Advertisement

A notice of the public hearing must be published in one (1) newspaper of general circulation, 30 days prior to the date of the hearing.

You may choose any of the following newspapers for advertising purposes: The Daily Record, The Baltimore Sun; or the Afro-American.

Wording for Written Notice to Property Owner(s), Sign Posting and Newspaper Advertisement

The information that must be published in a newspaper advertisement, posted on a sign and mailed to the property owner appears between the double lines on the attached page (*See Attachment A*); the deadline date is indicated in BOLD letters at the top of Attachment A.

Certification of Postings

Certification of the written notice, sign posting on the property, and publication of the newspaper advertisement, in duplicate, must be sent four (4) days prior to the hearing to:

Ms. Natawna Austin, Executive Secretary
Baltimore City Council
100 N. Holliday Street, Fourth Floor, Room 400
Baltimore, MD 21202

If the required certifications are not received as specified above, the public hearing will be cancelled without notice to the applicant. **The deadline dates are as follows:**

Newspaper Ad:	September 11, 2018
Sign Posting Deadline:	August 27, 2018
Written Notice to Property Owners:	September 11, 2018

Please note that **ALL** of these requirement **MUST** be met in order for your hearing to proceed as scheduled. If you have any questions regarding your notice requirements please contact:

Ms. Jennifer L. Coates, Committee Staff
Baltimore City Council,
Land Use and Transportation Committee
410-396-1260
Jennifer.Coates@baltimorecity.gov.

ATTACHMENT A

THE INFORMATION BETWEEN THE DOUBLE LINES (SEE BELOW) MUST BE POSTED ON A SIGN BY **AUGUST 27, 2018** AND PUBLISHED BY **WEDNESDAY, SEPTEMBER 11, 2018**, AS DISCUSSED ON THE PREVIOUS PAGE AND OUTLINED ON ATTACHMENT B.

**BALTIMORE CITY COUNCIL
PUBLIC HEARING ON BILL NO. 17-0122**

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BY amending
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Zoning District Map
Sheet 58
Baltimore City Revised Code
(Edition 2000)

NOTE: This bill is subject to amendment by the Baltimore City Council.

Applicant: Metro Development, LLC

For more information contact committee staff at (410) 396-1260.

EDWARD REISINGER

Chair

**SEND CERTIFICATION OF PUBLICATION TO:
ADVERTISEMENT TO:**

Baltimore City Council
c/o Natawna B. Austin
Room 409, City Hall
100 N. Holliday Street
Baltimore, MD 21202

SEND BILL FOR THIS

Metro Development, LLC
c/o Mr. Justin A. Williams Esq.
Rosenberg Martin, Greenberg, LLP
25 S. Charles Street, 21st Floor
Baltimore, MD 21201
(410) 727-6600

**ZONING
SUBTITLE 6 – NOTICES**

ARTICLE 32, § 5-601

§ 5-601. Map or text amendments; PUDs.

(a) Hearing required.

For a bill proposing a zoning map amendment, a zoning text amendment, or the creation or modification of a planned unit development, the City Council committee to which the bill has been referred must conduct a hearing at which:

- (1) the parties in interest and the general public will have an opportunity to be heard; and
- (2) all agency reports will be reviewed.

(b) Notice of hearing required.

Notice of the hearing must be given by each of the following methods, as applicable:

- (1) by publication in a newspaper of general circulation in the City;
- (2) for the creation or modification of a planned unit development and for a zoning map amendment, other than a comprehensive rezoning:
 - (i) by posting in a conspicuous place on the subject property; and
 - (ii) by first-class mailing of a written notice, on forms provided by the Zoning Administrator, to each person who appears on the tax records of the City as an owner of the property to be rezoned; and
- (3) for a comprehensive rezoning:
 - (i) by posting in conspicuous places within and around the perimeter of the subject area or district, as the Department of Planning designates; and
 - (ii) by first-class mailing of a written notice, on forms provided by the Zoning Administrator, to each person who appears on the tax records of the City as an owner of property within the subject area or district.

(c) Contents of notice.

The notice must include:

- (1) the date, time, place, and purpose of the public hearing;
 - (2) the address of the subject property or a drawing or description of the boundaries of the area affected by the proposed rezoning; and
 - (3) the name of the applicant.
- (d) Number and manner of posted notices.
- (1) For a zoning map amendment or the creation or modification of a planned unit development, the number and manner of posting is as follows:
 - (i) for an individual property, at least 1 sign must be visible from each of the property's street frontages;
 - (ii) for a comprehensive rezoning, a change in the boundaries of a zoning district, or the creation or modification of a planned unit development, at least 2 or more signs are required, as the Department of Planning designates;
 - (iii) each sign must be posted at a prominent location, near the sidewalk or public right-of-way, so that it is visible to passing pedestrians and motorists;
 - (iv) a window-mounted sign must be mounted inside the window glass and placed so that it is clearly visible to passing pedestrians and motorists; and
 - (v) each sign must be at least 3 feet by 4 feet in size.
 - (2) Nothing in this subtitle prevents the voluntary posting of more notices than required by this subtitle.

(e) Timing of notices – In general.

The notice must be published, mailed, and, except as provided in subsection (f) of this section, posted:

- (1) at least 15 days before the public hearing; or
- (2) for a comprehensive rezoning, at least 30 days before the public hearing.

(f) Timing of notices – Posting for map amendment or PUDs.

For a zoning map amendment or the creation or modification of a planned unit development, the posted notice must be:

- (1) posted at least 30 days before the public hearing; and
- (2) removed within 48 hours after conclusion of the public hearing.

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

TO: Metro Development, LLC c/o Mr. Justin A. Williams, Esquire,
Rosenberg Martin Green berg, LLP

FROM: Jennifer L. Coates, Committee Staff, Land Use and Transportation Committee,
Baltimore City Council

Date: August 7, 2018

RE: INSTRUCTIONS FOR NOTICE OF A PUBLIC HEARING – MAP AMENDMENTS
(REZONINGS); TEXT AMENDMENTS AND PLANNED UNIT DEVELOPMENTS

The Land Use and Transportation Committee has scheduled the following City Council Bill for a public hearing:

Bill: City Council Bill No. 17-0122

Date: Wednesday, September 26, 2018

Time: 1:00 p.m.

Place: City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street

At the expense of the applicant, notice of the public hearing must be provided in accordance with:

- **Article 32. Zoning § 5-601 – Map or Text Amendments; PUDs**

For helpful information about the notice requirements under Article 32 - Zoning (pages 127 – 128) see Attachment B. You are encouraged to access and review Article 32 using the web link below:

<http://ca.baltimorecity.gov/codes/Art%2032%20-%20Zoning.pdf>

Disclaimer. The City makes no claims as to the quality, completeness, accuracy, timeliness, or content of any data contained herein or on this site. All such items and materials are provided on an "as is" basis, and you are fully and solely responsible for your use of them and for any results or consequences of your use. They have been compiled from a variety of sources, including sources beyond the control of the City, and are subject to change without notice from the City. The data is subject to change as modifications and updates are complete. It is understood that the information contained in the site is being used at one's own risk. In no event shall the City or its elected/appointed officials, municipal agencies and departments, employees, agents, or volunteers be liable for any direct, indirect, special, punitive, incidental, exemplary or consequential damages arising your accessing or using the site, or otherwise arising from this site or from anything contained in or displayed on this site. Nothing contained in or displayed on this site constitutes or is intended to constitute legal advice by the City or any of its elected/appointed officials, municipal agencies and departments, employees, agents, and volunteers



Newspaper Advertisement

A notice of the public hearing must be published in one (1) newspaper of general circulation, 30 days prior to the date of the hearing.

You may choose any of the following newspapers for advertising purposes: The Daily Record, The Baltimore Sun; or the Afro-American.

Wording for Written Notice to Property Owner(s), Sign Posting and Newspaper Advertisement

The information that must be published in a newspaper advertisement, posted on a sign and mailed to the property owner appears between the double lines on the attached page (*See Attachment A*); the deadline date is indicated in BOLD letters at the top of Attachment A.

Certification of Postings

Certification of the written notice, sign posting on the property, and publication of the newspaper advertisement, in duplicate, must be sent four (4) days prior to the hearing to:

Ms. Natawna Austin, Executive Secretary
Baltimore City Council
100 N. Holliday Street, Fourth Floor, Room 400
Baltimore, MD 21202

If the required certifications are not received as specified above, the public hearing will be cancelled without notice to the applicant. **The deadline dates are as follows:**

<i>Newspaper Ad:</i>	<i>September 11, 2018</i>
<i>Sign Posting Deadline:</i>	<i>August 27, 2018</i>
<i>Written Notice to Property Owners:</i>	<i>September 11, 2018</i>

Please note that **ALL** of these requirement **MUST** be met in order for your hearing to proceed as scheduled. If you have any questions regarding your notice requirements please contact:

Ms. Jennifer L. Coates, Committee Staff
Baltimore City Council,
Land Use and Transportation Committee
410-396-1260
Jennifer.Coates@baltimorecity.gov.

ATTACHMENT A

THE INFORMATION BETWEEN THE DOUBLE LINES (SEE BELOW) MUST BE POSTED ON A SIGN BY **AUGUST 27, 2018** AND PUBLISHED BY **WEDNESDAY, SEPTEMBER 11, 2018**, AS DISCUSSED ON THE PREVIOUS PAGE AND OUTLINED ON ATTACHMENT B.

**BALTIMORE CITY COUNCIL
PUBLIC HEARING ON BILL NO. 17-0122**

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, September 26, 2018 at 1:00 p.m. in the City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street to conduct a public hearing on City Council Bill No. 17-0122.

CC 17-0122 ORDINANCE - Rezoning - 1 North Haven Street - FOR the purpose of changing the zoning for the property known as 1 North Haven Street, as outlined in red on the accompanying plat, from the I-2 Zoning District to the I-MU Zoning District.

By amending

Article 32 - Zoning
Zoning District Map
Sheet 58
Baltimore City Revised Code
(Edition 2000)

NOTE: This bill is subject to amendment by the Baltimore City Council, **which may include changing the zoning for the properties located at 101 N. Haven Street and Block 6264A Lot Nos. 001, 002, and 003 from the I-2 Zoning District to the I-MU Zoning District, as recommended by the Baltimore City Planning Commission.**

Applicant: Metro Development, LLC

For more information contact committee staff at (410) 396-1260.

EDWARD REISINGER

Chair

**SEND CERTIFICATION OF PUBLICATION TO:
ADVERTISEMENT TO:**

Baltimore City Council
c/o Natawna B. Austin
Room 409, City Hall
100 N. Holliday Street
Baltimore, MD 21202

SEND BILL FOR THIS

Metro Development, LLC
c/o Mr. Justin A. Williams Esq.
Rosenberg Martin, Greenberg, LLP
25 S. Charles Street, 21st Floor
Baltimore, MD 21201
(410) 727-6600

Coates, Jennifer

From: Tervala, Victor K.
Sent: Monday, August 13, 2018 7:53 AM
To: DiPietro, Elena; Coates, Jennifer
Subject: RE: Hearing for City Council Bill 17-0122

Jennifer – the amended language looks sufficient to provide appropriate notice.

Victor

Victor K. Tervala
Chief Solicitor
Law Dept., General Counsel Division
410-396-3293

The information contained in this communication may be confidential, is intended only for the use of the recipient named above, and may be legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please re-send this communication to the sender and delete the original message and any copy of it from your computer system.

From: DiPietro, Elena
Sent: Friday, August 10, 2018 9:59 AM
To: Tervala, Victor K. <Victor.Tervala@baltimorecity.gov>
Subject: FW: Hearing for City Council Bill 17-0122

Please respond to Jennifer.



DEPARTMENT OF LAW

Elena DiPietro
Chief of Legal Advice & Opinions
Baltimore City Department of Law
100 N. Holliday Street, Suite 101
Baltimore, MD 21202
elena.dipietro@baltimorecity.gov
Office: (410) 396-3209
Fax: (410) 396-1457

From: Coates, Jennifer
Sent: Friday, August 10, 2018 9:44 AM
To: DiPietro, Elena <Elena.DiPietro@baltimorecity.gov>
Cc: Reisinger, Edward <Edward.Reisinger@baltimorecity.gov>
Subject: FW: Hearing for City Council Bill 17-0122

Eleana,

Can you please advise me on this matter?

Jennifer Coates



Jennifer L. Coates

*Senior Legislative Policy Analyst
Office of Council Services*

100 N. Holliday Street, Room 415
Baltimore, MD 21202

jennifer.coates@baltimorecity.gov

OFFICE OF COUNCIL SERVICES

Office: (410) 396-1260

Fax: (410) 545-7596

Confidentiality Notice:

This e-mail, including any attachment(s), is intended for receipt and use by the intended addressee(s), and may contain legal or other confidential and privileged information. If you are not an intended recipient of this e-mail, you are hereby notified that any unauthorized use or distribution of this e-mail is strictly prohibited, and requested to delete this communication and its attachment(s) without making any copies thereof and to contact the sender of this e-mail immediately. Nothing contained in the body and/or header of this e-mail is intended as a signature or intended to bind the addressor or any person represented by the addressor to the terms of any agreement that may be the subject of this e-mail or its attachment(s), except where such intent is expressly indicated.

From: Williams, Justin [<mailto:JWilliams@rosenbergmartin.com>]

Sent: Thursday, August 09, 2018 2:50 PM

To: Coates, Jennifer <Jennifer.Coates@baltimorecity.gov>

Cc: Giordano, Margaret <MGiordano@rosenbergmartin.com>

Subject: RE: Hearing for City Council Bill 17-0122

Hi Ms. Coates,

I have a question for you about notice. At the Planning Commission hearing on CCB # 17-122, the Planning Commission voted to recommend an amendment to include additional properties in the rezoning bill. These properties are all part of the same campus. See the screen shot below. My client owns the entire campus (through different corporate entities) and supports the amendment. To avoid any questions about notice or delay, I propose to modify the language in the Attachment A you provided to reference the potential amendment to include additional properties.

When you're able, can you please take a look and let me know your thoughts and/or if you have recent experience in providing notice for zoning map amendment legislation that was recommended to be amended at the Planning Commission stage to include more properties?

We would use the language in the newspaper ad and mailings to the owners of each of the parcels. Can you please let me know if it is your/Law Department's opinion that we should also post each individual parcel too?

Thanks!

Justin

Block 6254 Lot 001 (101 N. Haven Street)
Block 6264A Lot 001
Block 6264A Lot 002
Block 6264A Lot 003



Justin Williams
Associate Attorney
Rosenberg Martin Greenberg, LLP
25 South Charles Street, 21st Floor

Baltimore, Maryland 21201
(410) 727-6600
(410) 727-1115 Fax



From: Coates, Jennifer [<mailto:Jennifer.Coates@baltimorecity.gov>]
Sent: Tuesday, August 07, 2018 3:57 PM
To: Williams, Justin <JWilliams@rosenbergmartin.com>
Cc: Scott, Brandon <Brandon.Scott@baltimorecity.gov>; Austin, Natawna B. <NatawnaB.Austin@baltimorecity.gov>; Bishop, Ervin <Ervin.Bishop@baltimorecity.gov>
Subject: Hearing for City Council Bill 17-0122

Good Afternoon Mr. Williams:

Attached is the information you will need to post a public hearing sign and newspaper ad for the subject bill to be heard by the Land Use and Transportation Committee on **September 26, 2018 at 1:00 p.m.** at City Hall in the City Council Chamber. I have also attached a contact list for sign makers, a list of newspaper ad contacts and a sample template for the sign posting certification.

Thank you and feel free to call me if you need more information.

PLEASE ACKNOWLEDGE RECEIPT OF THIS EMAIL.



Jennifer L. Coates
Senior Legislative Policy Analyst
Office of Council Services
100 N. Holliday Street, Room 415
Baltimore, MD 21202
jennifer.coates@baltimorecity.gov

OFFICE OF COUNCIL SERVICES Office: (410) 396-1260
Fax: (410) 545-7596

Confidentiality Notice:

This e-mail, including any attachment(s), is intended for receipt and use by the intended addressee(s), and may contain legal or other confidential and privileged information. If you are not an intended recipient of this e-mail, you are hereby notified that any unauthorized use or distribution of this e-mail is strictly prohibited, and requested to delete this communication and its attachment(s) without making any copies thereof and to contact the sender of this e-mail immediately. Nothing contained in the body and/or header of this e-mail is intended as a signature or intended to bind the addressor or any person represented by the addressor to the terms of any agreement that may be the subject of this e-mail or its attachment(s), except where such intent is expressly indicated.

THE INFORMATION BETWEEN THE DOUBLE LINES (SEE BELOW) MUST BE POSTED ON A SIGN BY **AUGUST 27, 2018** AND PUBLISHED BY **WEDNESDAY, SEPTEMBER 11, 2018**, AS DISCUSSED ON THE PREVIOUS PAGE AND OUTLINED ON ATTACHMENT B.

BALTIMORE CITY COUNCIL

PUBLIC HEARING ON BILL NO. 17-0122

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, September 26, 2018 at 1:00 p.m. in the City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street to conduct a public hearing on City Council Bill No. 17-0122.

CC 17-0122 ORDINANCE - Rezoning - 1 North Haven Street - FOR the purpose of changing the zoning for the property known as 1 North Haven Street, as outlined in red on the accompanying plat, from the I-2 Zoning District to the I-MU Zoning District.

BY amending
Article 32 - Zoning
Zoning District Map
Sheet 58
Baltimore City Revised Code
(Edition 2000)

NOTE: This bill is subject to amendment by the Baltimore City Council.

Applicant: Metro Development, LLC

For more information contact committee staff at (410) 396-1260.

EDWARD REISINGER

Chair

**SEND CERTIFICATION OF PUBLICATION TO:
ADVERTISEMENT TO:**

Baltimore City Council
c/o Natawna B. Austin
Room 409, City Hall
100 N. Holliday Street
Baltimore, MD 21202

SEND BILL FOR THIS

Metro Development, LLC
c/o Mr. Justin A. Williams Esq.
Rosenberg Martin, Greenberg, LLP
25 S. Charles Street, 21st Floor
Baltimore, MD 21201
(410) 727-6600

**ZONING
SUBTITLE 6 - NOTICES**

ARTICLE 32, § 5-601

§ 5-601. Map or text amendments; PUDs.

(a) Hearing required.

For a bill proposing a zoning map amendment, a zoning text amendment, or the creation or modification of a planned unit development, the City Council committee to which the bill has been referred must conduct a hearing at which:

- (1) the parties in interest and the general public will have an opportunity to be heard; and
- (2) all agency reports will be reviewed.

(b) Notice of hearing required.

Notice of the hearing must be given by each of the following methods, as applicable:

- (1) by publication in a newspaper of general circulation in the City;
- (2) for the creation or modification of a planned unit development and for a zoning map amendment, other than a comprehensive rezoning:
 - (i) by posting in a conspicuous place on the subject property; and
 - (ii) by first-class mailing of a written notice, on forms provided by the Zoning Administrator, to each person who appears on the tax records of the City as an owner of the property to be rezoned; and
- (3) for a comprehensive rezoning:
 - (i) by posting in conspicuous places within and around the perimeter of the subject area or district, as the Department of Planning designates; and
 - (ii) by first-class mailing of a written notice, on forms provided by the Zoning Administrator, to each person who appears on the tax records of the City as an owner of property within the subject area or district.

(c) Contents of notice.

The notice must include:

- (1) the date, time, place, and purpose of the public hearing;
- (2) the address of the subject property or a drawing or description of the boundaries of the area affected by the proposed rezoning; and
- (3) the name of the applicant.

(d) Number and manner of posted notices.

(1) For a zoning map amendment or the creation or modification of a planned unit development, the number and manner of posting is as follows:

- (i) for an individual property, at least 1 sign must be visible from each of the property's street frontages;
- (ii) for a comprehensive rezoning, a change in the boundaries of a zoning district, or the creation or modification of a planned unit development, at least 2 or more signs are required, as the Department of Planning designates;
- (iii) each sign must be posted at a prominent location, near the sidewalk or public right-of-way, so that it is visible to passing pedestrians and motorists;
- (iv) a window-mounted sign must be mounted inside the window glass and placed so that it is clearly visible to passing pedestrians and motorists; and
- (v) each sign must be at least 3 feet by 4 feet in size.

(2) Nothing in this subtitle prevents the voluntary posting of more notices than required by this subtitle.

(e) Timing of notices – In general.

The notice must be published, mailed, and, except as provided in subsection (f) of this section, posted:

- (1) at least 15 days before the public hearing; or
- (2) for a comprehensive rezoning, at least 30 days before the public hearing.

(f) Timing of notices – Posting for map amendment or PUDs.

For a zoning map amendment or the creation or modification of a planned unit development, the posted notice must be:

(1) posted at least 30 days before the public hearing; and

(2) removed within 48 hours after conclusion of the public hearing.

ADVERTISING SIGNS MAY BE OBTAINED FROM THE FOLLOWING:

RICHARD HOFFMAN
AMERICAN DRAFTING SERVICE
904 DELLWOOD DRIVE
BALTIMORE, MARYLAND 21047

PHONE: (410) 879-3122
E-MAIL: DICK_E@COMCAST.NET

LA GRANDE VISION
JAMES EARL REID
408 E. EAGER STREET
BALTIMORE, MARYLAND 21202

PHONE: (410) 448-4913 or (410) 783-1555

FAX (410) 783-1559

SIGNS BY ANTHONY
ANTHONY L. GREENE
2815 TODKILL TRACE
EDGEWOOD, MD 21040

PHONE: 443-866-8717
FAX: 410-676-5446
E-MAIL: bones_malone@comcast.net

LINDA O'KEEFE
523 PENNY LANE
HUNT VALLEY, MD 21030
PHONE: 410-666-5366
CELL: 443-604-6431
E-MAIL: LUCKYLINDA1954@YAHOO.COM

OR ANY OTHER COMPANY OF YOUR CHOICE. THE SIGNS MUST BE MADE IN ACCORDANCE WITH THE RULES OF THE BOARD OF MUNICIPAL AND ZONING APPEALS.

THIS OFFICE IS NOT ASSOCIATED WITH ANY OF THE ABOVE DRAFTING COMPANIES, NOR DO WE RECOMMEND ANY SPECIFIC ONE.

Baltimore City Council
Certificate of Posting - Public Hearing Notice

City Council Bill No.:

Today's Date: [Insert Here]

(Place a picture of the posted sign in the space below.)

Address:

Date Posted:

Name:

Address:

Telephone:

- Email to: Natawnab.Austin@baltimorecity.gov
- Mail to: Baltimore City Council; c/o Natawna B. Austin; Room 409, City Hall; 100 N. Holliday Street; Baltimore, MD 21202

FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET
	SUBJECT	CITY COUNCIL BILL #17-0122 / REZONING – 1 NORTH HAVEN STREET

CITY of
BALTIMORE
MEMO



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

DATE: July 16, 2018

At its regular meeting of July 12, 2018, the Planning Commission considered City Council Bill #18-0122, for the purpose of changing the zoning for the property known as 1 North Haven Street, as outlined in red on the accompanying plat, from the I-2 Zoning District to the I-MU Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended disapproval of City Council Bill #18-0122 and adopted the following resolution nine members being present (six in favor):

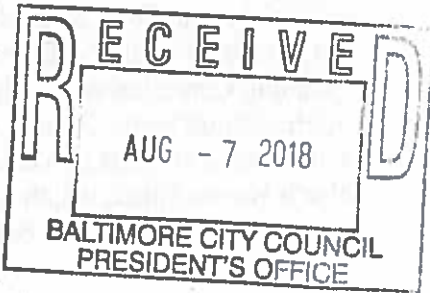
RESOLVED, That the Planning Commission disagrees with the recommendation of its departmental staff, and recommends that City Council Bill #18-0122 be amended to include the property at 101 North Haven Street, and that it is passed by the City Council with that amendment.

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

TJS/ewt

attachment

- cc: Mr. Pete Hammen, Chief Operating Officer
- Mr. Jim Smith, Chief of Strategic Alliances
- Ms. Karen Stokes, Mayor's Office
- Mr. Colin Tarbert, Mayor's Office
- Mr. Kyron Banks, Mayor's Office
- The Honorable Edward Reisinger, Council Rep. to Planning Commission
- Mr. William H. Cole IV, BDC
- Mr. Derek Baumgardner, BMZA
- Mr. Geoffrey Veale, Zoning Administration
- Ms. Sharon Daboin, DHCD
- Ms. Elena DiPietro, Law Dept.
- Mr. Francis Burnszynski, PABC
- Ms. Eboni Wimbush, DOT
- Ms. Natawna Austin, Council Services
- Mr. Ervin Bishop, Council Services
- Mr. Justin Williams, Esq.



Fav w/Amends



*Catherine E. Pugh
Mayor*

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



*Thomas J. Stosur
Director*

July 12, 2018

REQUEST: City Council Bill #17-0122/ Rezoning – 1 North Haven Street:

For the purpose of changing the zoning for the property known as 1 North Haven Street, as outlined in red on the accompanying plat, from the I-2 Zoning District to the I-MU Zoning District.

RECOMMENDATION: Disapproval

STAFF: Eric Tiso

PETITIONER: Metro Development, LLC, c/o Justin Williams, Esq.

OWNER: Metro Development, LLC

SITE/GENERAL AREA

Site Conditions: 1 North Haven Street is located on the east side of the street, at the "T" intersection with East Baltimore Street. The property contains ±1.902 acres, and is currently improved with a one- and two-story industrial building covering a majority of the site.

General Area: This site is located on the western edge of the Kresson neighborhood, at the border of the Baltimore Highlands neighborhood.

HISTORY

- On June 5, 2017, this property was rezoned to the I-2 Industrial District from the M-3 Industrial District.
- This bill was previously scheduled for the Planning Commission meetings of October 19, 2017 and November 9, 2017, but was postponed.

ANALYSIS

Background: Staff understands that this request was brought about due to an interest by a potential tenant for 1 North Haven Street for an indoor recreation use. That use of the building is not permitted in the I-2 District, but would be permitted in the I-MU district. Since the first Planning Commission meeting for this bill, the requested use was accommodated through an interpretation by the Zoning Administrator, which removed the immediate need for this bill. The same owner also has two adjacent small parcels (Block 6264A, Lots 001 and 002), as well as 101 North Haven Street, which is currently in use as the Emerging Technology Center (ETC) Haven Campus, a venture of the Baltimore Development Corporation (BDC).

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 Article 32 – *Zoning*, §5-508(b), where staff finds that this change is not in the public's interest. It also references a memorandum submitted by the applicant with their justification for rezoning (attached), and incorporates our review of that position.

Required findings – §5-508(b)(1): Applicants argue in their proposed findings of fact letter that it was a mistake that this property was not rezoned to the Industrial-Mixed Use (I-MU) district as part of the Comprehensive Rezoning effort, TransForm Baltimore, where the building was renovated in 2015 to allow for a mix of office and light-industrial tenants. As support for this concept, a 2015 approval for office use within the building, and previous authorization for a brewery use were offered, and that these uses would disqualify the property from being appropriately zoned I-2, as those uses would either preclude the building from being used industrially, or that the uses have become nonconforming.

Staff disagrees with this analysis, both in the sense that the building is now disqualified from industrial use due to its renovation, and that the existing uses are now nonconforming. There is a wide range of uses now allowed in the I-2 district. While a given building may not have the heaviest of uses within it in every instance, the need for a cohesive industrial district is important to the survival of the industrial district as a whole. The erosion of existing industrial areas puts undue pressure on the remaining industrial users, and as potential commercial or residential typically offer higher prices, it can lead to a domino effect in loss of industrial uses. For that

reason, maintaining appropriately sized and located industrial districts is important for the overall health of this sector of Baltimore's economy.

Staff disagrees with the argument that the existing use mix in the building disqualifies it from being appropriately zoned I-2. Office uses were permitted as a conditional use in the M-3 district under the old zoning classification under the title of "Offices – Business & professional (other than accessory)". "Office" use is now permitted in the current I-2 district as a conditional use, though when secondary to a primary industrial use. To mitigate that protective requirement, office uses legally established as of the effective date of this Code are deemed conforming and are not required to be secondary to a primary industrial use.

The use of "Beer and ale: brewing" was a permitted use in the M-3 district under the old zoning classification, and is now a permitted use in the I-2 district under the "Industrial: Light" land use. As such, these uses have not become nonconforming, and may continue. Even if certain uses became nonconforming, it does not support an argument that the industrial use is not appropriate. If that argument were accepted, it would only accelerate the erosion of the industrial districts as discussed above – the exact opposite effect of the protection that industrial zoning should provide.

For all of these reasons, staff cannot find that the designation of 1 North Haven Street in the I-2 district was a mistake, and recommends that the Planning Commission reject the argument for mistake. Additionally, for the alternative argument: While there have been some changes of land use within the area, staff does not find those changes to amount to a significant change in the area that would otherwise support a rezoning. This industrial area remains intact, this building is located on a major truck route that serves the Port of Baltimore, and so the existing designation of I-2 continues to be appropriate.

Required findings of fact – §5-508(b)(2):

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;
 - The applicant cites an increase in population in the area of approximately 1,000 people. It is not clear what information was used to support that assertion. The information available to the Department of Planning through the American Community Survey (ACS) shows this property at the edge of three reporting areas, one to the southwest, one to the southeast, and another to the north (including the site itself). The first two incorporate larger solidly residential areas. If those areas were used to provide the population estimate, additional caution in relying on that data is due. The ACS data is useful for showing trends of changes in populations, but as a survey tool, should not be relied upon for specific population counts. In any event, an increase in housing demand putting pressure on the existing industrial areas further reinforces the need to protect those industrial areas from intrusion.
- (ii) the availability of public facilities;
 - This part of the City is well served by public facilities, which does not independently affect the zoning of this property.

(iii) present and future transportation patterns;

- This property is located on Haven Street, on a through truck route (second in rank-order only to Interstate Highways). The existing transportation infrastructure supports the existing industrial district, and is a necessary link to nearby highways and port.

(iv) compatibility with existing and proposed development for the area;

- The applicant asserts that the existing building is not suitable for modern heavy industrial use, and that it should therefore be considered for a wider range of alternative uses. An important consideration is that there are alternative uses available under the existing I-2 classification which will be suitable for this building. More importantly, is the preservation of a cohesive industrial district that will not lead to further non-industrial development pressure, accelerating the deterioration of the existing industrial zone. For that reason, staff believes that this property still has value to the industrial district, and still has an adequate range of options available for its reuse, as has already been demonstrated through the renovations it has seen to date. Additionally, the I-MU district would also allow for residential use, which is incompatible with the heavier industrial zone surrounding this site, and should not be encouraged.

(v) the recommendations of the City agencies and officials; and

- The Board of Municipal and Zoning Appeals (BMZA) will comment separately on this bill.

(vi) the proposed amendment's consistency with the City's Comprehensive Master Plan.

- The applicant's memorandum includes a partial quotation from the City's Comprehensive Master Plan (CMP) on page 163, and then interprets the section to provide a rationale for the rezoning of this property to the I-MU district, due to a desire to include mixed-use within the building. That section of the plan asserted the need for additional types of industrial districts, to meet broader spectrum of needs for the industrial users as much as it was to allow for the reuse of existing buildings that would otherwise be incentivized to be demolished. Through the Comprehensive Rezoning of the City, those new industrial districts have since been enacted as the Industrial- Mixed-use (I-MU), Bioscience Campus (BSC), and Office Industrial Campus (OIC) districts in today's Article 32 – *Zoning*. As the quoted section continues onto the next page of the plan, it goes on to say:

“One of the fundamental purposes for our existing industrial districts is to protect the industrial uses by intrusion from other uses. The commercial uses allowed in this mixed-use district will have to be carefully controlled so as not to allow them to overrun the industrial uses that are not able to afford the same property prices, else they will be out-competed and will moot the mixed-use district.” (CMP p. 164)

This again indicates the need for keeping cohesive industrial districts that support a wider range of industrial uses, without compromising the district as a whole. The Plan further indicated for proposed changes to the Industrial districts (i.e. not those proposed to be newly created) that they:

“...will be essentially our existing exclusively industrial and manufacturing zones. They need to be reviewed and updated to ensure that the needs of our industrial users are met. This will also provide protection, as they are not able to afford the same property prices as business and residential uses. Without this protection, industrial uses can be out-competed and will leave the City in a shortage of consolidated industrial core areas.”
(CMP p. 164)

Additional standards – General – §5-508(b)(3):

Additional standards that must be considered for map amendments are:

- (i) existing uses of property within the general area of the property in question;
 - There are a variety of industrial and commercial uses in the immediate area, to include:
 - Mid-Atlantic Baking (which the applicant incorrectly labels as a nonconforming use, as discussed above) and a metal fabrication shop immediately across Haven Street to the west;
 - a wood-turning company within the subject property; and
 - a BG&E substation, an auto recycler, and an ornamental iron company to the immediate north.
- (ii) the zoning classification of other property within the general area of the property in question;
 - This parcel is part of the I-2 District, and while there are other zoning classifications within a multi-block radius of this site, none are adjacent to this site. Rezoning this site alone would create a new stand-alone island of I-MU zoning, unrelated to any other properties. Nearly the entire extent of the Kresson area is zoned I-2 industrial, with the only other classification being I-1 at the eastern end of the area, and nearly the entirety of the Orangeville Industrial Area to the north is also zoned I-2. For this reason, the subject property should not be rezoned to I-MU in isolation.
- (iii) the suitability of the property in question for the uses permitted under its existing zoning classification; and
 - The existing I-2 classification provides for a range of industrial uses for the existing building. The proposed I-MU zone would allow for residential use, which is not appropriate in this area.
- (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.
 - There has been an increase in pressure on industrial districts to the south of this area, by intruding commercial and residential uses. The office and brewery uses of this building are allowed by the existing I-2 zoning (see discussion above), and may continue to operate, just as before when the property was zoned M-3.

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:** In addition to the information above, the Comprehensive Plan anticipated creating a new variety of industrial districts to serve modern needs of industry, but had as a central goal the preservation of industrial areas, and protecting them from erosion.
2. **The needs of Baltimore City:** There is a need to protect industrial areas that now exist, and there are other appropriately-zoned areas for the specific use proposed that triggered this application, which supports the disapproval of this rezoning.
3. **The needs of the particular neighborhood:** This site is set among other industrial users, and zoning this site as I-MU does not meet any need or goal of the neighborhood at large.

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 has not been a significant change in population that would indicate a change in zoning is needed.
2. **The availability of public facilities;** Adequate facilities are now available, and will remain available to serve a broad range of land uses.
3. **Present and future transportation patterns;** This site is located along a designated through truck route, which is intended to serve this industrial area, providing access to the highways, and the rest of the City.
4. **Compatibility with existing and proposed development for the area;** While the I-MU district generally provides for compatible uses with general industrial use, in this specific instance, it likely would lead to the erosion of a heavier industrial district by allowing incompatible uses (specifically Recreation: Indoor, and residential uses).
5. **The recommendations of the Planning Commission and the Board of Municipal and Zoning Appeals (BMZA);** For the above reasons, the Planning Department recommends disapproval 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.** Again, the Comprehensive Plan has as a goal of preservation of industrial areas.

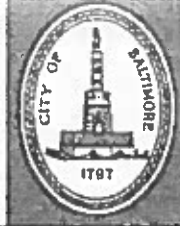
Notification: The following community organizations were notified of this bill: The Brewer's Hill Community Association, the Brewers Hill Neighbors, the Baltimore-Highland Community Association, Inc., the Highlandtown Community Association (HIGH-C), and the Southeast Community Development Corporation (SCDC).



Thomas J. Stosur
Director

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



BOARD OF MUNICIPAL AND ZONING APPEALS

DEREK J. BAUMGARDNER, Executive Director
417 E. Fayette Street, Room 1432
Baltimore, Maryland 21202

September 21, 2018

The Honorable President and
Members of the City Council
City Hall
100 N. Holliday Street
Baltimore, MD 21202

RE: CC Ord.17-0122: Rezoning – 1 North Haven Street, from the I-2 Zoning District (General Industrial) to the I-MU Zoning District (Industrial Mixed-Use)

Ladies and Gentlemen:


City Council Bill No. 17-0122 has been referred by your Honorable Body to the Board of Municipal and Zoning Appeals for study and report.

The purpose of City Council Bill No. 17-0122 is to change the zoning of the property located at 1 North Haven Street as outlined in red on the accompanying plat, from the I-2 Zoning District (General Industrial) to the I-MU Zoning District (Industrial Mixed-Use).

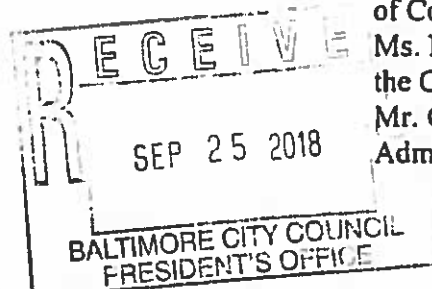
While BMZA agrees with the Department of Planning, HCD, and BDC about the importance of maintaining contiguous tracks of industrially zoned land, we agree with BDC that the I-MU Zoning District can buffer commercial and residential properties from heavier I-2 zoning. Haven Street is a heavily trafficked corridor that already separates commercial and residential uses from contiguous I-2 and sporadic I-1 zones, but with C-3 and I-1/2 zones abutting R-8 zones in this area.

BMZA therefore supports the passage of Bill No. 17-0122 as the property will remain industrially zoned but will allow a broader set of development on this site while acting as a buffer between heavy industry and commercial and residential uses. This Council may consider this a mistake during comprehensive rezoning that I-1/2 zones were not more fully buffered from commercial and residential zones with I-MU and similar zoning classifications as exists six blocks south at the intersection of Haven Street and Eastern Avenue.

Sincerely,


Derek J. Baumgardner
Executive Director

CC: Mr. Kyron Banks, Mayors Office
of Council Relations
Ms. Natawna Austin, Office of
the City Council President
Mr. Geoffrey Veale, Zoning
Administrator



F

CITY OF BALTIMORE

CATHERINE E PUGH, Mayor



BOARD OF MUNICIPAL AND ZONING APPEALS

DEREK J. BAUMGARDNER, Executive Director
417 E. Fayette Street, Room 1432
Baltimore, Maryland 21202

September 21, 2018

The Honorable President and
Members of the City Council
City Hall
100 N. Holliday Street
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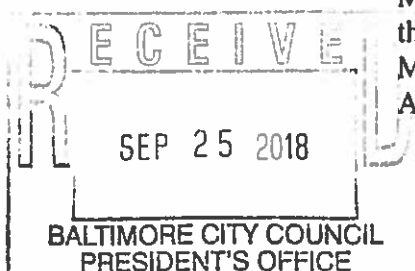
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Sincerely,

Derek J. Baumgardner
Executive Director

CC: Mr. Kyron Banks, Mayors Office
of Council Relations
Ms. Natawna Austin, Office of
the City Council President
Mr. Geoffrey Veale, Zoning
Administrator



F R O M	NAME & TITLE	Michelle Pourciau, Director	CITY of BALTIMORE M E M O	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 E Fayette Street, Room 527		
	SUBJECT	City Council Bill 17-0122		

TO The Honorable President and
Members of the City Council
c/o Natawna Austin
Room 400 City Hall

December 22, 2017

I am herein reporting on City Council Bill 17-0122- Rezoning - 1 North Haven Street For the purpose of changing the zoning for the property known as 1 North Haven Street, as outlined in red on the accompanying plat, from the I-2 Zoning District to the I-MU Zoning District.

DOT supports this bill and respectfully requests a favorable report.

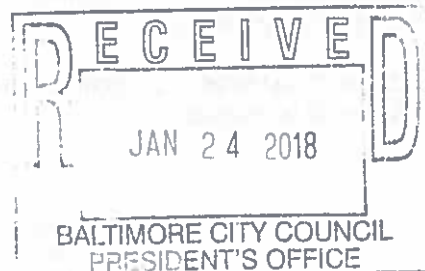
Respectfully,



Michelle Pourciau
Director

MP/lw

Cc: Kyron Banks, Mayor's Office




**CITY OF BALTIMORE
COUNCIL BILL 17-0122
(First Reader)**

Introduced by: Councilmember Scott

At the request of: Metro Development, LLC

Address: c/o Justin A. Williams, Esquire, Rosenberg | Martin | Greenberg, LLP, 25 South
Charles Street, 21st Floor, Baltimore, Maryland 21201

Telephone: 410-727-6600

Introduced and read first time: September 11, 2017

Assigned to: Land Use and Transportation Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning
Appeals, Planning Commission, Department of Housing and Community Development,
Baltimore Development Corporation, Department of Transportation

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Rezoning – 1 North Haven Street**

3 FOR the purpose of changing the zoning for the property known as 1 North Haven Street, as
4 outlined in red on the accompanying plat, from the I-2 Zoning District to the I-MU Zoning
5 District.

6 BY amending

7 Article 32 - Zoning

8 Zoning District Map

9 Sheet 58

10 Baltimore City Revised Code

11 (Edition 2000)

12 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That
13 Sheet 58 of the Zoning District Map is amended by changing from the I-2 Zoning District to the
14 I-MU Zoning District the property known as 1 North Haven Street, as outlined in red on the plat
15 accompanying this Ordinance.

16 **SECTION 2. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the
17 accompanying plat and in order to give notice to the agencies that administer the City Zoning
18 Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council
19 shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat;
20 and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the
21 Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of
22 Housing and Community Development, the Supervisor of Assessments for Baltimore City, and
23 the Zoning Administrator.

24 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
25 after the date it is enacted.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



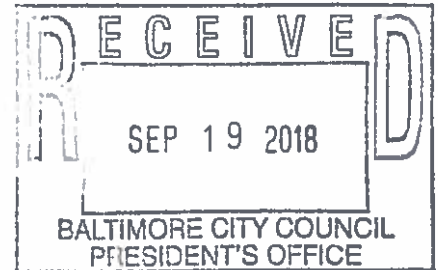
DEPARTMENT OF LAW

ANDRE M. DAVIS, City Solicitor
101 City Hall
Baltimore, Maryland 21202

September 18, 2018

Honorable President and Members
of the City Council of Baltimore
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Attn: Natawna B. Austin
Executive Secretary



Re: City Council Bill 17-0122 – Rezoning – 1 N. Haven Street.

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 17-0122 for form and legal sufficiency. The bill would change the zoning for 1 N. Haven Street. from the I-2 Zoning District to the I-MU Zoning District.

The Planning Department issued a Staff Report (“Report”) regarding the property proposed to be rezoned by the current bill. The Planning Staff Report recommended disapproval of the bill. The Planning Commission, however, voted to disagree with the Staff Report and recommend approval of the bill to rezone the property. The Staff Report analyzes the bill according to the requirements of Art. 32, §5-508. The Staff Report concludes that there are not facts to support the standards in §5-508 and therefore there can be no findings that there has been a change in the character of neighborhood or a mistake in the existing zoning. In addition, a change in the zoning of the property would result in the erosion of space for industrial uses that are essential to Baltimore’s economy, especially considering the surrounding properties are zoned I-2 as well.

The City Council may approve a proposed map amendment based on a finding that there was a “mistake in the existing zoning classification.” Md. Land Use Code Ann., §10-304(b)(2); Baltimore City Code, (BCC) Art. 32, § 5-508(b)(1)(ii). In determining whether to rezone on the basis of mistake, the City Council is required to make findings of fact, for each property, on the following matters: (1) population change; (2) the availability of public facilities; (3) the present and future transportation patterns; (4) compatibility with existing and proposed development; (5) the recommendations of the Planning Commission and the Board of Municipal and Zoning Appeals; and (6) the relationship of the proposed amendment to the City’s plan. Md. Land Use Code Ann., §10-304(b)(1). *See also*, BCC, Art. 32, § 5-508(b)(2) (citing same factors with (v) being “the recommendations of the City agencies and officials,” and (vi) being “the proposed amendment’s consistency with the City’s Comprehensive Master Plan.”). Article 32 of the City

Fav w/ Comments

Code also requires Council to consider: “(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.” § 5-508(b)(3).

Council’s decision regarding a piecemeal rezoning is reviewed under the substantial evidence test, and should be upheld “if reasoning minds could reasonably reach the conclusion from facts in the record.” *Cty. Council of Prince George’s Cty. v. Zimmer Dev. Co.*, 444 Md. 490, 510 (2015), quoting, *Cremins v. Cnty. Comm’rs of Washington Cnty.*, 164 Md.App. 426, 438 (2005). See also, *White v. Spring*, 109 Md. App. 692, 699, cert. denied, 343 Md. 680 (1996) (“the courts may not substitute their judgment for that of the legislative agency if the issue is rendered fairly debatable”); *Floyd v. County Council of Prince George’s County*, 55 Md.App. 246, 258 (1983) (“‘substantial evidence’ means a little more than a ‘scintilla of evidence.’”).

With regard to rezoning on the basis of mistake, it is “firmly established that there is a strong presumption of the correctness of original zoning and of comprehensive rezoning.” *People’s Counsel v. Beachwood I Ltd. Partnership*, 107 Md. App. 627, 641 (1995), quoting, *Wells v. Pierpont*, 253 Md. 554, 557 (1969). To sustain a piecemeal change, there must be substantial evidence that “the Council failed to take into account then existing facts . . . so that the Council’s action was premised . . . on a misapprehension.” *White v. Spring*, 109 Md. App. at 698, quoting, *People’s Counsel*, 107 Md. App. at 645. In other words, “[a] conclusion based upon a factual predicate that is incomplete or inaccurate may be deemed in zoning law, a mistake or error; an allegedly aberrant conclusion based on full and accurate information, by contrast, is simply a case of bad judgment, which is immunized from second-guessing.” 109 Md. App. at 698. “Error can be established by showing that at the time of the comprehensive zoning the Council failed to take into account then existing facts, or projects or trends which were reasonably foreseeable of fruition in the future, so that the Council’s action was premised initially on a misapprehension[,] [and] “by showing that events occurring subsequent to the comprehensive zoning have proven that the Council’s initial premises were incorrect.” *Boyce v. Sembly*, 25 Md. App. 43, 51 (1975) (citations omitted). “Thus, unless there is probative evidence to show that there were then existing facts which the Council, in fact, failed to take into account, or subsequently occurring events which the Council could not have taken into account, the presumption of validity accorded to comprehensive zoning is not overcome and the question of error is not ‘fairly debatable.’” *Id.* at 52.

A finding of mistake, however, absent a regulatory taking, merely permits the further consideration of rezoning, it does not mandate a rezoning. *White*, 109 Md. App. at 708. Rather, a second inquiry “regarding whether, and if so, how, the property is reclassified,” is required. *Id.* at 709. This second conclusion is due great deference. *Id.* (after a prior mistake has been established

and accepted as fact by a legislative zoning entity, that entity's decision as to whether to rezone, and if so, how to reclassify, is due the same deference the prior comprehensive rezoning was due).

In sum, the Land Use and Transportation Committee (the "Committee") is required to hold a quasi-judicial public hearing with regard to the bill wherein it will hear and weigh the evidence as presented in: (1) the Planning Report and other agency reports; (2) testimony from the Planning Department and other City agency representatives; and (3) testimony from members of the public and interested persons. After weighing the evidence presented and submitted into the record before it, the Committee is required to make findings of fact for each property with regard to the factors in §§10-304 and 10-305 of the Land Use Article and § 5-508 of Article 32. If, after its investigation of the facts, the Committee makes findings which support: (1) a mistake in the comprehensive zoning; and (2) a new zoning classification for the properties, it may adopt these findings and the legal requirements for granting the rezoning would be met. **The Law Department notes that the Report does not supply facts to support each of the findings required by law; therefore, Council must base its findings on other testimony presented at the hearing.**

Finally, certain procedural requirements apply to this bill beyond those discussed above because a change in the zoning classification of a property is deemed a "legislative authorization." BCC Art. 32, § 5-501(2)(iii). Specifically, notice of the City Council hearing must be given by publication in a newspaper of general circulation in the City, by posting in a conspicuous place on the property and by first-class mail, on forms provided by the Zoning Administrator, to each person who appears on the tax records of the City as an owner of the property to be rezoned. Art. 32, §5-601(b). The notice of the City Council hearing must include the date, time, place and purpose of the hearing, as well as the address of the property and the name of the applicant. Art. 32, §5-601(c). The posted notices must be at least 3 feet by 4 feet in size, placed at a prominent location, and at least one sign must be visible from each of the property's street frontages. Art. 32, §5-601(d). The published and mailed notices must be given at least 15 days before the hearing; the posted notice must be at least 30 days before the public hearing. Art. 32, §5-601(e),(f).

The bill is the appropriate method for the City Council to review the facts and make the determination as to whether the legal standard for rezoning has been met. Assuming the required findings are made at the hearing and that all procedural requirements are satisfied, the Law Department approves the bill for form and legal sufficiency.

Sincerely,




Elena R. DiPietro
Chief Solicitor

cc: Andre Davis, City Solicitor
Karen Stokes, Director, Mayor's Office of Government Relations
Kyron Banks, Mayor's Legislative Liaison
Ashlea Brown, Assistant Solicitor
Hilary Ruley, Chief Solicitor
Victor K. Tervalo, Chief Solicitor
Avery Aisenstark



MEMORANDUM

TO: Honorable President and Members of the City Council
Attention: Natawna B. Austin, Executive Secretary

FROM: William H. Cole, President and CEO 

DATE: October 3, 2017

SUBJECT: City Council Bill No. 17-0122
Rezoning – 1 North Haven Street

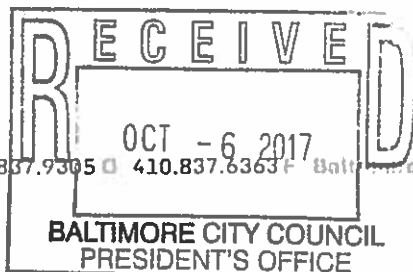
The Baltimore Development Corporation (BDC) has been asked to comment on City Council Bill No. 17-0122, an ordinance for the purpose of changing the zoning for the property known as 1 North Haven Street from the I-2 Zoning District to the I-MU Zoning District.

1 North Haven Street is a multi-tenanted industrial building that was built in 1920. Although partially vacant, existing uses in the building include a brewery with taproom, architectural woodturning and tap handle manufacturer, and a furniture company office, showroom, and warehouse. Collectively, these uses meet the definition of Light Industrial uses as “enclosed low-intensity, non-nuisance light fabrication and assembly-type manufacturing, with little to no outside impacts,” (Baltimore City Code, Article 32, Section 11-204) and do not require the more intensive I-2 zoning.

The proposed I-MU zoning district (Baltimore City Code Article 32, Section 11-203(a)) “is intended to encourage the reuse of older industrial buildings for light industrial use, as well as a variety of non-industrial uses.” This zoning will allow for the remaining vacant space to be occupied by a non-industrial tenant, which nonetheless requires many of the space requirements of an industrial user to be able to operate.

BDC believes that the preservation of contiguous industrial space, especially those properties with Rail, Port, and Truck Route access is necessary to preserve and grow the City’s industrial business sectors. However, application of I-MU zoning in this case will: preserve existing and future industrial uses at the property; allow for the effective reuse of an old, partially-unoccupied industrial building; serve as a buffer between the large swath of I-2 properties to the East and North and the residential and commercial areas to the south and southwest.

F



City Council Bill No. 17-0122 – Rezoning – 1 North Haven Street

Page 2

An analysis of the existing properties on Haven Street between Lombard Street and Pulaski Highway, reveal a mix of existing uses, including Commercial Office, Retail, Entertainment, Residential, and Industrial uses. The Highlandtown Village Shopping Center – zoned C-2 – is located around the corner from this property and Haven Street itself is a dividing line between I-2 industrial and non-industrial zoned spaces south of Lombard Street.

Given the existing mix of industrial and non-industrial land uses along Haven Street from Lombard Street to Pulaski Highway, the proposed I-MU Zoning at this location would be consistent with and compatible to the current mix of land uses, and would not substantially diminish the industrial character of the area.

BDC supports the proposed ordinance and respectfully requests that Bill No. 17-0122 be given favorable consideration by the City Council.

cc: Kyron Banks

The Baltimore City Department of
**HOUSING & COMMUNITY
DEVELOPMENT**

MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council
c/o Natawna Austin, Executive Secretary

From: Michael Braverman, Housing Commissioner

MB

Date: August 24, 2018

Re: **City Council Bill 17-0122 - Rezoning – 1 North Haven Street**

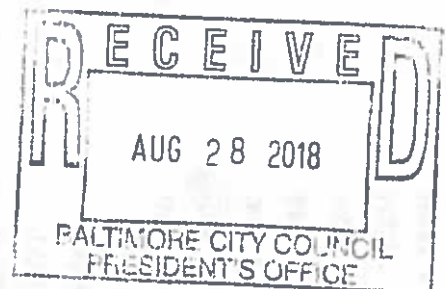
The Department of Housing and Community Development (HCD) has reviewed City Council Bill 17-0122, for the purpose of changing the zoning for the property known as 1 North Haven Street from the I-2 Zoning District to the I-MU Zoning District.

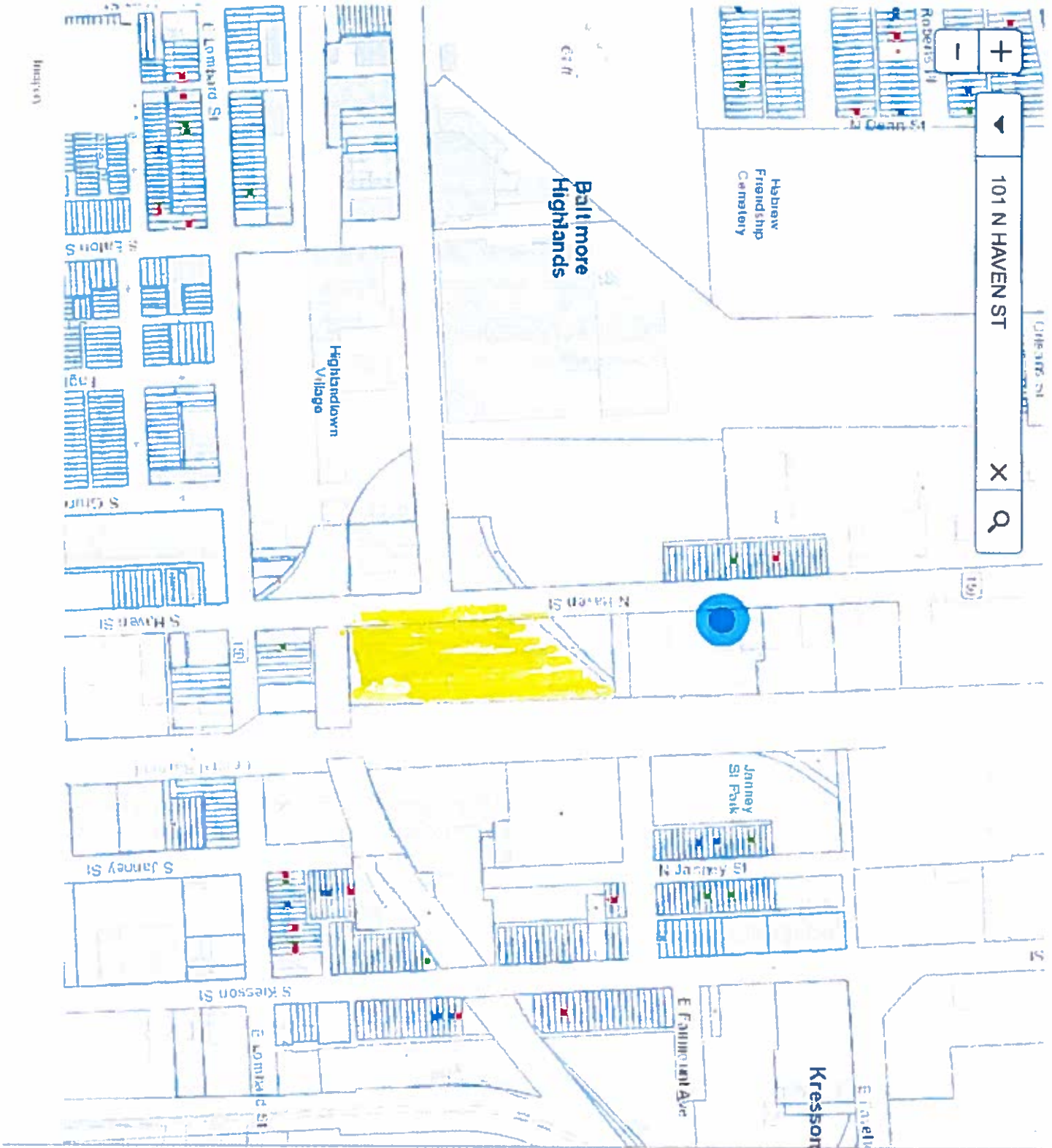
If enacted, this bill would change the zoning of an industrial zoned property in an industrial district from I-2 to I-MU. The property is located on a major truck route (Haven Street) that serves the Port of Baltimore. If this bill is passed and the zoning is changed the new zoning would allow residential development to be built in an industrial district that could start the deterioration of a cohesive industrial district. Cohesive industrial districts in the City support important industrial and manufacturing uses and should be maintained. The current use of this building as office space and a brewery are allowed by the existing I-2 Zoning District and may continue to operate.

The Department of Housing and Community Development supports the recommendation from the Department of Planning and does not support the passage of City Council Bill 17-0122.

MB:sd

cc: Ms. Karen Stokes, *Mayor's Office of Government Relations*
Mr. Kyron Banks, *Mayor's Office of Government Relations*





codeMa

Focus Areas

Project COI

- Phase 1
- Phase 2
- Phase 3
- Phase 4
- Comm De
- Major Rede
- Major R
- Popplet

- Streamline
- Opportunil
- CE Internal

- DHCD Acq
- Demolition
- Non-CC
- Confligx
- EOG Res
- Potential
- Demo W
- Deed Dale

FD Outstand

- Water Cons
- BPD
- BRNI, CL, CI
- Liquor
- HABC Scat
-

HIGHLANDTOWN

COMMUNITY ASSOCIATION

September 27, 2017

The Honorable Brandon M. Scott
Baltimore City Council
City Hall, Suite 500
100 N. Holliday Street
Baltimore, MD 21202

Re: CCB #17-122
Rezoning - 1 North Haven Street

Dear Councilman Scott:

On behalf of the Highlandtown Community Association, I am pleased to offer this letter in support of the proposed rezoning of 1 North Haven Street from the I-2 Zoning District to the IMU Zoning District as well as to the amendment to include 101 North Haven Street in the request. We have met with representatives of the owner/developer, and we understand the request will permit mixed-use that permits the existing and proposed uses for the properties. Please accept this letter as verification of our community's support of City Council Bill 17-122, and please feel free to contact me with any questions.

Sincerely,

Brian Sweeney
President - Highlandtown Community Association
C- 443-220-9780

HIGHLANDTOWN COMMUNITY ASSOCIATION
P. O. BOX 12333
HIGHLANDTOWN, MD 21281-1333
www.highlandtown.com

received
10-24-17 fke



The Honorable Brandon M. Scott
Baltimore City Council
City Hall, Suite 500
100 N. Holliday Street
Baltimore, Maryland 21202

Re: CCB #17-0122
Rezoning - 1 North Haven Street

Dear Councilman Scott:

On behalf of the Emerging Technology Center (ETC), I am pleased to offer this letter in support of the proposed rezoning of 1 North Haven Street from the I-2 Zoning District to the I-MU Zoning District. As you know, the ETC is a venture of the Baltimore Development Corporation and serves as a technology and innovation center focused on growing early-stage companies. Since 1999, the ETC has provided assistance to over 450 companies, 85% of which are still in business, creating more than 2,500 jobs and raising more than \$2.4 Billion in outside funding.

The ETC has been a tenant in the King Cork & Seal building at 101 North Haven Street since 2013 and it is our understanding that the owner is amending CCB# 17-0122 to including this property. The current I-2 zoning of the property may prohibit certain new office uses and/or the expansion of existing office uses. The proposed I-MU zoning would permit the expansion of existing office uses as well as new office uses and therefore we believe the rezoning is necessary to accommodate the growth of the ETC and the graduate companies the ETC incubates.

Accordingly, please accept this letter as verification of the ETC's support of City Council Bill 17-0122, and please feel free to contact me with any questions.

Sincerely,

cc: The Honorable Ed Reisinger, Chair, Land Use & Transportation Committee
Mr. Wilbur Cunningham, Chairman, Planning Commission

4832-9707-8097, v. 1



101 N Haven Street | Suite 301
Baltimore MD 21224

1101 East 33rd Street | 3rd FL
Baltimore MD 21212

443.451.7000
www.etcbaltimore.com



Received
12/15/2011

Justin A. Williams
25 South Charles Street, 21st Floor
Baltimore, Maryland 21201
P: (410) 727-6600/F: (410) 727-1115
jwilliams@rosenbergmartin.com



MEMORANDUM

TO: LAND USE & TRANSPORTATION COMMITTEE,
BALTIMORE CITY COUNCIL

FROM: JUSTIN A. WILLIAMS

CC: METRO DEVELOPMENT, LLC

RE: CCB # 17-0122 – REZONING – 1 NORTH HAVEN STREET (THE “PROPERTY”)
PROPOSED FINDINGS OF FACT & REQUEST TO AMEND LEGISLATION TO
INCLUDE:
101 N. HAVEN STREET
ES N. HAVEN STREET 767-6’ N OF E. LOMBARD STREET
31 N. HAVEN STREET
ES N HAVEN STREET 605-1’ N OF E. LOMBARD STREET

DATE: SEPTEMBER 26, 2018

The City Council has the authority to change the zoning classification of a property as part of a comprehensive rezoning process or upon a finding that there was either 1) a substantial change in the character of the neighborhood where the property is located, or 2) a mistake in the existing zoning classification. MD. CODE ANN., Land Use § 10-304(b)(2); Baltimore City Code, Article 32 – Zoning § 5-508(b)(1). Here, there was a mistake in the 2017 comprehensive rezoning of the Property as I-2 in that the City Council did not consider the significant adaptive reuse project occurring at 1 North Haven Street. The former warehouse building on the Property was constructed in 1920 and completely renovated in 2015 to allow for a mix of office and light-industrial tenants. The BMZA granted approval of the request to use portions of the property as “business and professional offices, other than accessory, within a mixed-use industrial and manufacturing building” in Appeal No. 2015-93. In early 2017, Monument City Brewing opened a 12,800-SF brewery and taproom at the property. The adaptive reuse of the Property to allow for these office and brewery uses no longer makes it suitable for heavy-industrial tenants, and it was a mistake for the City Council to rezone the property to a map designation that makes the office and brewery uses non-conforming, and thus, would not permit them to expand.

For the same reason, and in light of the proposed findings of fact outlined below, the following properties, which are part of the same campus as 1 N. Haven Street and identified on the Plat dated 8-28-18 (collectively, the “Additional Properties”), should be added to the rezoning bill as recommended by the Planning Commission:

101 N. Haven Street
ES N. Haven Street 767-6’ N of E. Lombard Street
31 N. Haven Street
ES N Haven Street 605-1’ N of E. Lombard Street



The rezoning of the Additional Properties to I-2 was also a significant mistake as the BMZA approved the use of portions of the Additional Property for offices in Appeal No. 2012-389. The improvements on the property known as 101 N. Haven Street was designated a Historic Landmark by the City Council in 2013. In the Landmark Designation Report, it was specifically noted that the owner was “in the process of rehabilitating and renting the property as a mixed-use office complex” and that “the current rehabilitation and adaptive reuse [was] also part of the larger trend of Baltimore’s recent history of deindustrialization.” Significantly, following the rehabilitation of 101 N. Haven Street to permit office uses, the City’s Emerging Technology Center, (the “ETC”) moved its technology incubator to 101 N. Haven Street. A venture of the Baltimore Development Corporation, the ETC houses dozens of startup companies, some of which have leased commercial space in the building. Since its founding, the ETC client companies have received over \$1.6 billion in funding and created over 2,325 creative class jobs. It was a mistake to rezone the property to a designation that makes office uses non-conforming, and thus, would prevent the ETC from expanding and prevent the companies the ETC incubates from locating in other portions of the property.

In connection with the finding that there was a mistake in the existing zoning classification that justifies the rezoning of the Property and the Additional Properties (the Property and the Additional Properties are collectively referred to hereinafter as the “Properties”), both Section 5-508(b) of the Zoning Code and Section 10-304 of the Maryland Land Use Article require the City Council to make findings of fact that address:

(i) Population Change

- The census tract that includes the Properties has increased its population from 1,507 in 2009 to 2,555 in 2014 per census estimates. This is a 69% increase and a reflection of the change in the character of the area away from solely heavy industrial.

(ii) The availability of public facilities;

- The area is well-served by public utilities and services, and will remain so for the foreseeable future.

(iii) Present and future transportation patterns;

- The rezoning of the Properties will not adversely impact present or future transportation patterns. Haven Street is a designated “through truck route” on the City’s Official Truck Route map. This is consistent with the light industrial and commercial uses permitted in the Industrial Mixed-Use Zoning District.

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

- Per Section 11-203(a) of the Zoning Code, the intent of the I-MU Zoning District is “to encourage the reuse of industrial buildings for light industrial use, as well as a variety of non-industrial uses.” The buildings on the

Properties are too old and are ill-suited to be utilized for modern heavy industrial users. The existing and proposed development of the Properties have been in line with the intent of the I-MU Zoning District as a variety of light-industrial and compatible non-industrial uses have been added there for several years.

- The wider general area is industrial in nature, but is comprised of a wide mix of uses, which make the industrial mixed-use designation appropriate and compatible. Directly across the street from the Properties are several dozen rowhomes as well as The Mid-Atlantic Baking Company facility. While the rowhomes are zoned I-2, notably, the residential uses are not permitted in the I-2 Zoning District. The Highlandtown Village Shopping Center is zoned C-3 and the Highlandtown Co-Op Senior Housing Facility, is zoned C-1: both are located in close proximity.

(v) The recommendations of the Baltimore City Planning Commission and the Board of Municipal and Zoning Appeals;

- The Baltimore City Planning Commission recommended the rezoning of the Properties to I-MU. The Board of Municipal and Zoning Appeals has not yet commented on this Bill.

(vi) The proposed amendment's consistency with the City's Comprehensive Master Plan.

- The City's LiveEarnPlayLearn Master Plan specifically notes that "the current requirements of industrial users no longer fit into the strictly industrial models in [the] Zoning Code [then in effect]..." and recommends the creation of a mixed-use district that permits industrial users to "have a mix of office and other supporting uses that are not traditionally industrial in nature, but are necessary to include in the same buildings." Comprehensive Master Plan, Recommendations, p. 163.
 - The proposed rezoning of the Properties to I-MU will allow for the continued reuse of the existing buildings with industrial uses, such as a woodworking facility, while also permitting the Properties to include more commercial and light industrial components, such as a brewery, indoor recreation, and offices, in those same buildings.
- Moreover, the Zoning Code itself indicates that the I-MU Zoning District "is intended to encourage the reuse of older industrial buildings for light industrial use, as well as a variety of non-industrial uses" and adds that [t]hese older industrial buildings are often surrounding by residential and other non-industrial uses." § 11-203(a).
 - This type of zoning is appropriate for the Properties as they are adjacent to the rowhomes along North Haven Street and will accommodate the continued adaptive reuse of the buildings, which both obtained BMZA

approval to offices, while also containing a number of light-industrial and commercial uses.

Section 5-508(b)(3) of the Zoning Code also mandates that the following additional standards be considered for map amendments:

- (i) Existing uses of property within the general area of the property in question;**
 - The Properties are located along a portion of Haven Street between Lombard Street and Pulaski Highway that has a wide mix of uses, including residential, commercial and industrial. At Pulaski Highway and Haven Street are retail uses, while at Lombard Street and Haven Street there are taverns and a banquet hall. Directly across the street from the Properties are houses and bakery distribution facility. The I-MU designation is a good fit for this mix of uses.
- (ii) The zoning classification of other property within the general area of the property in question;**
 - In addition to the I-2-zoned areas that abut the Properties, the nearby Highlandtown Village Shopping Center is zoned C-3. Other nearby zoning designations include I-1, C-1, and R-8. The proposed I-MU zoning designation is appropriate as a transition among these zoning districts.
- (iii) The suitability of the property in question for the uses permitted under its existing zoning classification; and**
 - The Properties are currently zoned I-2, which “is intended to provide for a wide variety of general manufacturing, fabricating, processing, wholesale distributing, and warehousing uses.” The Properties, which were recently approved for office uses and are improved with renovated buildings with flex industrial and office uses, are not well-suited to be solely zoned for heavy industrial uses.
- (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 Properties were placed in their present zoning classification when Transform Baltimore became effective on June 5, 2017. The general trend of development in the vicinity has been mixed-use development. Since the time Transform Baltimore was first introduced in the City Council in early 2012, the Properties both received BMZA approval for office uses and have since been redeveloped with a mix of uses that are now non-conforming in the current I-2 Zoning District.

City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland
21202

Meeting Minutes - Final

Land Use and Transportation Committee

Wednesday, September 26, 2018

1:00 PM

Du Burns Council Chamber, 4th floor, City Hall

17-0122

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

- Present** 6 - Member Edward Reisinger, Member Mary Pat Clarke, Member Eric T. Costello, Member Ryan Dorsey, Member Leon F. Pinkett III, and Member Robert Stokes Sr.
- Absent** 1 - Member Sharon Green Middleton

ITEMS SCHEDULED FOR PUBLIC HEARING

17-0122

Rezoning - 1 North Haven Street

For the purpose of changing the zoning for the property known as 1 North Haven Street, as outlined in red on the accompanying plat, from the I-2 Zoning District to the I-MU Zoning District.

Sponsors: Brandon M. Scott

A motion was made by Member Stokes, Sr., seconded by Member Dorsey, that the bill be recommended favorably with an amendment. The motion carried by the following vote:

- Yes:** 5 - Member Reisinger, Member Costello, Member Dorsey, Member Pinkett III, and Member Stokes Sr.
- Abstain, COI:** 1 - Member Clarke
- Absent:** 1 - Member Middleton

ADJOURNMENT

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

HEARING NOTES

Bill: 17-0122

Rezoning - 1 North Haven Street

Committee: Land Use and Transportation
Chaired By: Councilmember Edward Reisinger

Hearing Date: September 26, 2018
Time (Beginning): 1:00 PM
Time (Ending): 1:28 PM
Location: Clarence "Du" Burns Chamber
Total Attendance: ~ 25
Committee Members in Attendance:
Reisinger, Edward, Chairman
Clarke, Mary Pat
Costello, Eric
Dorsey, Ryan
Pinkett, Leon
Stokes, Robert

Bill Synopsis in the file? [X] yes [] no [] n/a
Attendance sheet in the file? [X] yes [] no [] n/a
Agency reports read? [X] yes [] no [] n/a
Hearing televised or audio-digitally recorded? [X] yes [] no [] n/a
Certification of advertising/posting notices in the file? [X] yes [] no [] n/a
Evidence of notification to property owners? [X] yes [] no [] n/a
Final vote taken at this hearing? [X] yes [] no [] n/a
Motioned by: Councilmember Stokes, Robert
Seconded by: Councilmember Dorsey, Ryan
Final Vote: Favorable/Amend

Major Speakers

(This is not an attendance record.)

- Ms. Eric Tiso, Planning Commission/Department of Planning
 - Mr. Derrick Baumgardner, Board of Municipal Zoning Appeals
 - Mr. Victor Tervalá, Department of Law
 - Ms. Sharon DaBoin, Department of Housing and Community Development
 - Ms. Jennifer Guthrie, Maryland Port Authority
 - Mr. Justin Williams, representative for the applicant
-

Major Issues Discussed

1. Councilman Reisinger introduced councilmembers and read the bill's number, title and purpose.
 2. Councilman Scott explained his reason for introducing the bill. The properties had previously been vacant. He indicated that the Highlandtown community association supports the rezoning.
 3. Mr. Eric Tiso presented the Planning Commission's report and gave information from the Department of Planning's staff report. He provided background information about the property. He indicated that the Planning Department was initially concerned about rezoning the property to IMU Zoning District. The property had the potential for residential use within an Industrial Zoning District. The Planning Department met in October 2017 and endeavored to create a new IMU-2 Zoning District which would not allow residential uses. Although Planning Department staff recommended disapproval based on current zoning, the Planning Commission understands that the area is to be rezoned to IMU-2 and approved the rezoning.
 4. Agency representatives testified in support of their respective agency's position on the bill. Mr. Tervalá, Department of Law, explained the findings of fact necessary for rezoning the property. IMU is a temporary status until a comprehensive rezoning is completed to rezone the area to IMU-2. Although the Department of Housing's initial report did not support the bill, it revised its report to support Bill 17-0122 in lieu of the forthcoming initiative to include the property in a comprehensive rezoning of certain properties to IMU-2.
 5. Ms. Jennifer Guthrie, representing the Maryland Port Authority (MPA), testified in opposition to the bill due to the allowance of residential properties in an industrial area. MPA supports legislation that would rezone the property to IMU-2.
 6. Mr. Justin Williams, representing the applicant, testified that the owner of the property has spent \$14 million on renovation of the property. There are permits that are being held due to the property not being rezoned IMU. The applicant is committed to having the property rezoned IMU-2 and will not allow residential uses. Mr. Williams indicated that he had presented to committee written findings of fact and an amendment.
 7. The committee discussed the bill.
 8. The committee approved finding of facts and amendments for the bill.
 9. The committee voted to recommend the bill favorable with amendments.
 10. The hearing was adjourned.
-

Further Study

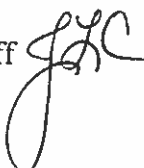
**Was further study requested?
If yes, describe.**

Yes No

Committee Vote:

Reisinger, Edward, Chairman..... **Yea**
Middleton, Sharon, Vice Chair..... **Absent**
Clarke, Mary Pat..... **Abstain**
Costello, Eric **Yea**
Dorsey, Ryan **Yea**
Pinkett, Leon..... **Yea**
Stokes, Robert:..... **Yea**

Jennifer L. Coates, Committee Staff
cc: Bill File
OCS Chrono File



Date: September 27, 2018



**CITY OF BALTIMORE
CITY COUNCIL HEARING ATTENDANCE RECORD**

Committee: Land Use and Transportation Chairperson: Edward Reisinger
 Date: September 26, 2018 Time: 1:00 PM Place: Clarence "Du" Burns Chambers
 Subject: Ordinance - Rezoning - 1 North Haven Street CC Bill Number: 17-0122

PLEASE PRINT

IF YOU WANT TO TESTIFY PLEASE CHECK HERE



FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS	TESTIFY	FOR	AGAINST	YES	NO
John	Doe	100	North Charles Street	21202	Johndoenbmore@yahoo.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Jennifer	Guthrie		MARLAND Rdt Admin	21202	jguthrie@marylandpds.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Justin	Williams	25	S. Charles St. 215 th Fl	21201	jwilliams@rosenbergmwh.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Mica	Feltz		BSPC		mfseta@balhmore.gov	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sharon	Felton		HEU			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(*) NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER WITH THE CITY ETHICS BOARD. REGISTRATION IS A SIMPLE PROCESS. FOR INFORMATION AND FORMS, CALL OR WRITE: BALTIMORE CITY BOARD OF ETHICS, C/O DEPARTMENT OF LEGISLATIVE REFERENCE, 626 CITY HALL, BALTIMORE, MD 21202. TEL: 410-396-4730; FAX: 410-396-8483.

City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland
21202

Meeting Agenda - Final

Land Use and Transportation Committee

Wednesday, September 26, 2018

1:00 PM

Du Burns Council Chamber, 4th floor, City Hall

17-0122

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

ITEMS SCHEDULED FOR PUBLIC HEARING

17-0122

Rezoning - 1 North Haven Street

For the purpose of changing the zoning for the property known as 1 North Haven Street, as outlined in red on the accompanying plat, from the I-2 Zoning District to the I-MU Zoning District.

Sponsors:

Brandon M. Scott

ADJOURNMENT

THIS MEETING IS OPEN TO THE PUBLIC



**BALTIMORE CITY COUNCIL
LAND USE AND TRANSPORTATION COMMITTEE**

Mission Statement

On behalf of the Citizens of Baltimore City, the mission of the Land Use and Transportation Committee is to review and support responsible development and zoning initiatives to ensure compatibility with the aim of improving the quality of life for the diverse population of Baltimore City.

**The Honorable Edward Reisinger
Chairperson**

PUBLIC HEARING

**Wednesday, September 26, 2018
1:00 PM**

City Council Bill # 17-0122

Rezoning - 1 North Haven Street

CITY COUNCIL COMMITTEES

BUDGET AND APPROPRIATIONS

Eric Costello – Chair
Leon Pinkett – Vice Chair
Bill Henry
Sharon Green Middleton
Brandon M. Scott
Isaac “Yitzy” Schleifer
Shannon Sneed
Staff: Marguerite Currin

EDUCATION AND YOUTH

Zeke Cohen – Chair
Mary Pat Clarke – Vice Chair
John Bullock
Kristerfer Burnett
Ryan Dorsey
Staff: Matthew Peters

EXECUTIVE APPOINTMENTS

Robert Stokes – Chair
Kristerfer Burnett – Vice Chair
Mary Pat Clarke
Zeke Cohen
Isaac “Yitzy” Schleifer
Staff: Marguerite Currin

HOUSING AND URBAN AFFAIRS

John Bullock – Chair
Isaac “Yitzy” Schleifer – Vice Chair
Kristerfer Burnett
Bill Henry
Shannon Sneed
Zeke Cohen
Ryan Dorsey
Staff: Richard Krummerich

JUDICIARY AND LEGISLATIVE INVESTIGATIONS

Eric Costello – Chair
Mary Pat Clarke – Vice Chair
John Bullock
Leon Pinkett
Edward Reisinger
Brandon Scott
Robert Stokes
Staff: Matthew Peters

LABOR

Shannon Sneed – Chair
Robert Stokes – Vice Chair
Eric Costello
Bill Henry
Mary Pat Clarke
Staff: Samuel Johnson

LAND USE AND TRANSPORTATION

Edward Reisinger – Chair
Sharon Green Middleton – Vice Chair
Mary Pat Clarke
Eric Costello
Ryan Dorsey
Leon Pinkett
Robert Stokes
Staff: Jennifer Coates

PUBLIC SAFETY

Brandon Scott – Chair
Ryan Dorsey – Vice Chair
Kristerfer Burnett
Shannon Sneed
Zeke Cohen
Leon Pinkett
Isaac “Yitzy” Schleifer
Staff: Richard Krummerich

TAXATION, FINANCE AND ECONOMIC DEVELOPMENT

Sharon Green Middleton – Chair
Leon Pinkett – Vice Chair
Eric Costello
Edward Reisinger
Robert Stokes
Staff: Samuel Johnson
- Larry Greene (pension only)



BILL SYNOPSIS

Committee: Land Use and Transportation

Bill 17-0122

Rezoning – 1 North Haven Street

Sponsor: Councilmember Scott
Introduced: September 11, 2017

Purpose:

For the purpose of changing the zoning for the property known as 1 North Haven Street, as outlined in red on the accompanying plat, from the I-2 Zoning District to the I-MU Zoning District.

Effective: 30th day after enactment

Hearing Date/Time/Location: September 26, 2018 /1:00 p.m./Clarence "Du" Burns Chambers

Agency Reports

Planning Commission	Favorable/Amend
Board of Municipal and Zoning Appeals	
Department of Transportation	Favorable
Department of Law	Favorable/Comments
Department of Housing and Community Development	Unfavorable
Baltimore Development Corporation	Favorable

Analysis

Current Law

Article 32 – Zoning; Zoning District Map; Sheet 58; Baltimore City Revised Code; (Edition 2000)

Background

CC Bill 17-0122, if approved, would rezone the property located 1 North Haven Street from the I-2 Zoning District to the I-MU Zoning District. The subject site is owned by Metro Development, LLC, the applicant.

Attached is Table 11-301 Industrial Districts – Permitted and Conditional Uses. Descriptions of the current and proposed zoning districts as allowed under Article 32 are below:

Current Zoning District – I-2

§ 11-205. I-2 General Industrial District.

(a) Intent.

The I-2 General Industrial Zoning District is intended to provide for a wide variety of general manufacturing, fabricating, processing, wholesale distributing, and warehousing uses.

Proposed Zoning District – I- MU

§ 11-203. I-MU Industrial Mixed-Use District.

(a) Intent.

The I-MU Industrial Mixed-Use Zoning District is intended to encourage the reuse of older industrial buildings for light industrial use, as well as a variety of non-industrial uses. These older industrial buildings are often surrounded by residential and other non-industrial uses.

(b) Surrounding, non-industrial uses.

Examples of non-industrial uses, creating a mixed-use or multi-tenant environment, include:

- (1) live-work dwellings;
- (2) residential uses;
- (3) commercial uses; and
- (4) limited institutional uses.

Prior to the Transform comprehensive rezoning process, the property was zoned M-3 Industrial. The building was renovated in 2015 to allow for a mix of office and light-industrial tenants.

The property lies on the east side of Haven Street at the intersection of East Baltimore Street. It is located in the Kresson neighborhood which borders the Baltimore Highlands neighborhood.

The industrial site is owned by Metro Development, LLC. There are also two adjacent small parcels (Block 6464A, Lots 001 and 002), as well as 101 North Haven Street (Emerging Technology Center), which belong to the same owner. The site is improved with a one- and two-story industrial building which covers a majority of the site. The Planning Commission recommends approval of and amending the bill to add the property located at 101 N. Haven Street

Rezoning the property from I-2 to I-MU may be granted based on findings, as outlined in Article 32, of either:

1. substantial change in the character of the neighborhood or
2. that there was a mistake in the existing zoning classification.

Additional Information

Fiscal Note: Not Available

Information Source(s): Department of Planning Report

Analysis by: Jennifer L. Coates *JLC*
Analysis Date: September 18, 2018

Direct Inquiries to: (410) 396-1260

Table 11-301 Industrial Districts – Permitted and Conditional Uses

TABLE 11-301: INDUSTRIAL DISTRICTS – PERMITTED AND CONDITIONAL USES

USES	DISTRICTS						USE STANDARDS
	OIC	BSC	I-MU	I-1	I-2	MI	
RESIDENTIAL							
Dwelling (Above Non-Residential Ground Floor)		P	P				
Dwelling: Live-Work			P	CB			
Dwelling: Multi-Family		P	P				
Dwelling: Rowhouse		P					
Residential-Care Facility (16 or Fewer Residents)		P	P				Per § 14-334
Residential-Care Facility (17 or More Residents)		CB	CB				Per § 14-334
INSTITUTIONAL							
Cultural Facility			CB				Per § 14-308
Educational Facility: Commercial-Vocational	P	P	P	P	CB	CB	
Educational Facility: Post-Secondary	CB	CB	CB				
Educational Facility: Primary and Secondary		P	P				
Government Facility	P	P	P	P	P	P	
Homeless Shelter			CO				
Hospital		P	CO				
OPEN-SPACE							
Community-Managed Open-Space Farm	CB	CB	CB				Per § 14-307
Community-Managed Open-Space Garden	P	P	P				Per § 14-307
Park or Playground	P	P	P				
Urban Agriculture	P	P	P	P			Per § 14-339

	<i>OIC</i>	<i>BSC</i>	<i>I-MU</i>	<i>I-1</i>	<i>I-2</i>	<i>MI</i>	
COMMERCIAL							
Animal Clinic			P	P			Per § 14-317
Art Gallery			P				
Arts Studio			P				
Arts Studio: Industrial	P		P	P			
Banquet Hall	CB						Per § 14-302
Body Art Establishment			P				
Broadcasting Station (TV or Radio)	P		P	P			
Car Wash				P	P		Per § 14-304
Carry-Out Food Shop		P	P	CB	CB		
Day-Care Center: Adult or Child	P	P	P	P ¹	P ¹	P ¹	Per § 14-309
Drive-Through Facility	CB						Per § 14-311
Entertainment: Indoor		P	P				Per § 14-312
Entertainment: Live			CB				Per § 14-319
Entertainment: Live (Accessory to Restaurant, Tavern, Art Studio, or Art Gallery)		CB					Per § 14-319
Financial Institution	P ²	P	P				
Gas Station				CB	CB		Per § 14-314
Greenhouse		P	P	P			Per § 14-339
Health-Care Clinic	P	P	P				
Heavy Sales, Rental, or Service			CO	CB			
Hotel or Motel	P	P	CB				
Kennel			CB	P			Per § 14-317
Lodge or Social Club			P	CB	CB	CB	Per § 14-320
Motor Vehicle Service and Repair: Minor			CO	CO			Per § 14-326
Nursery		P	P	P			Per § 14-339
Office	P	P	P	CB ^{2,3}	CB ^{2,3}	CB ^{2,3}	

<i>Commercial (cont'd)</i>	<i>OIC</i>	<i>BSC</i>	<i>I-MU</i>	<i>I-1</i>	<i>I-2</i>	<i>MI</i>	
Outdoor Dining		P	P				Per § 14-329
Personal Services Establishment	P ²	P	P	CB			
Recreation: Indoor		P	P				Per § 14-312
Recreation: Outdoor			CB				Per § 14-312
Restaurant	P ²	P	P	CB	CB		
Retail Goods Establishment (No Alcoholic Beverages Sales)	CB	P	P	CB			
Retail Goods Establishment (With Alcoholic Beverages Sales)		P	CO	CB			Per § 14-336
Tavern		P	CO	CB	CB		Per § 14-337
Truck Repair				P	P		
INDUSTRIAL							
Alternative Energy System: Commercial	P	P	P	P	P		
Boat Manufacturing, Repair, and Sales			CB	P	P	CB	Per § 14-303
Commercial Composting Facility				CB	P		Per § 14-305
Contractor Storage Yard				P	P		Per § 14-330
Food Processing: Light	P		P	P			
Freight Terminal				P	P	P	
Heliport		CB		CB	CB		
Helistop		CB		CB	CB		
Industrial Boat Repair Facility					P	P	Per § 14-323
Industrial: General					P	CB	Per § 14-315
Industrial: Light	P	P	P	P	P		
Industrial: Maritime-Dependent					P	P	
Landfill: Industrial					CB		Per § 14-318
Marina: Dry Storage			CB	P	P		Per § 14-323
Marine Terminal					P	P	
Materials Recovery Facility					P		Per § 14-324
Mini-Warehouse			P	P			

Industrial (cont'd)	OIC	BSC	I-MU	I-1	I-2	MI	
Motor Vehicle Operations Facility				P	P		
Movie Studio	P		P	P	P		
Outdoor Storage Yard				P	P	P	Per § 14-330
Passenger Terminal			P	P	P	P	
Recyclable Materials Recovery Facility				P	P		Per § 14-333
Recycling Collection Station				CB	CB		Per § 15-514
Recycling and Refuse Collection Facility				P	P		
Research and Development Facility	P	P	P	P	P	P	
Resource Recovery Facility					CB		Per § 14-335
Shipyards					P	P	
Truck Stop				P	P		
Truck Terminal				P	P		
Warehouse	P		P	P	P	P	
Waterfreight Terminal					P	P	
Wholesale Goods Establishment	P		P	P	P		
OTHER							
Alternative Energy System: Community-Based	P	P	P	P	P	P	Per § 14-306
Electric Substation: Enclosed or Indoor	P	P	P	P	P	P	Per § 14-340
Electric Substation: Outdoor	CB	CB	CB	CB	P	P	Per § 14-340
Parking Garage (Principal Use)	P	P	CO	P	P	P	Per § 14-331
Parking Lot (Principal Use)	P	P	CO	P	P	P	Per § 14-331
Telecommunications Facility ⁴	CB, P	CB, P	CB, P	CB, P	CB, P	CB, P	Per § 14-338
Utilities	CB	CB	CB	CB	CB	CB	Per § 14-340
Wireless Communications Services ⁵	CB, P	CB, P	CB, P	CB, P	CB, P	CB, P	Per § 14-338

¹ Allowed only when (i) accessory to an office structure, research and development facility, or industrial use, and (ii) integrated into that structure, facility, or use to serve its employees.

² Allowed only when secondary to a primary industrial use.

³ Office uses legally established as of the effective date of this Code are deemed conforming and are not required to be secondary to a primary industrial use.

⁴ Only telecommunications base stations that comply with the stealth design standards of § 14-338 are considered permitted uses.

⁵ Only Wireless Communication Services that are modifications to – and do not substantially change the physical dimension of – an existing telecommunications facility, are considered permitted uses.

(Ord. 16-581; Ord. 17-015.)

**CITY OF BALTIMORE
COUNCIL BILL 17-0122
(First Reader)**

Introduced by: Councilmember Scott
At the request of: Metro Development, LLC
Address: c/o Justin A. Williams, Esquire, Rosenberg | Martin | Greenberg, LLP, 25 South
Charles Street, 21st Floor, Baltimore, Maryland 21201
Telephone: 410-727-6600

Introduced and read first time: September 11, 2017

Assigned to: Land Use and Transportation Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning
Appeals, Planning Commission, Department of Housing and Community Development,
Baltimore Development Corporation, Department of Transportation

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Rezoning – 1 North Haven Street**

3 FOR the purpose of changing the zoning for the property known as 1 North Haven Street, as
4 outlined in red on the accompanying plat, from the I-2 Zoning District to the I-MU Zoning
5 District.

6 BY amending

7 Article 32 - Zoning
8 Zoning District Map
9 Sheet 58
10 Baltimore City Revised Code
11 (Edition 2000)

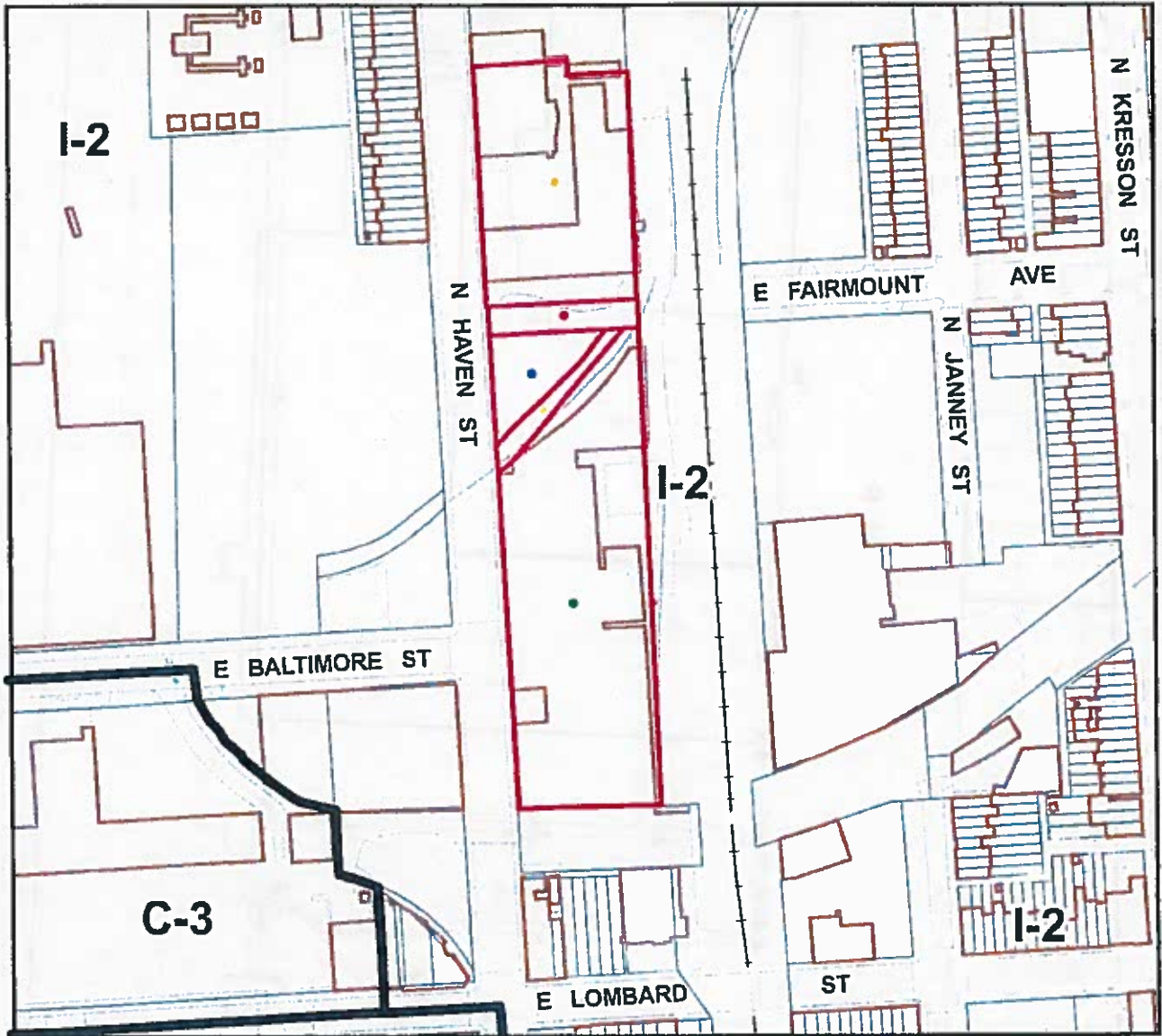
12 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE**, That
13 Sheet 58 of the Zoning District Map is amended by changing from the I-2 Zoning District to the
14 I-MU Zoning District the property known as 1 North Haven Street, as outlined in red on the plat
15 accompanying this Ordinance.

16 **SECTION 2. AND BE IT FURTHER ORDAINED**, That as evidence of the authenticity of the
17 accompanying plat and in order to give notice to the agencies that administer the City Zoning
18 Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council
19 shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat;
20 and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the
21 Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of
22 Housing and Community Development, the Supervisor of Assessments for Baltimore City, and
23 the Zoning Administrator.

24 **SECTION 3. AND BE IT FURTHER ORDAINED**, That this Ordinance takes effect on the 30th day
25 after the date it is enacted.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

**SHEET NO. 58 OF THE ZONING MAP OF
THE ZONING CODE OF BALTIMORE CITY**



Scale: 1" = 200'

Note: In Connection With Properties Known As:

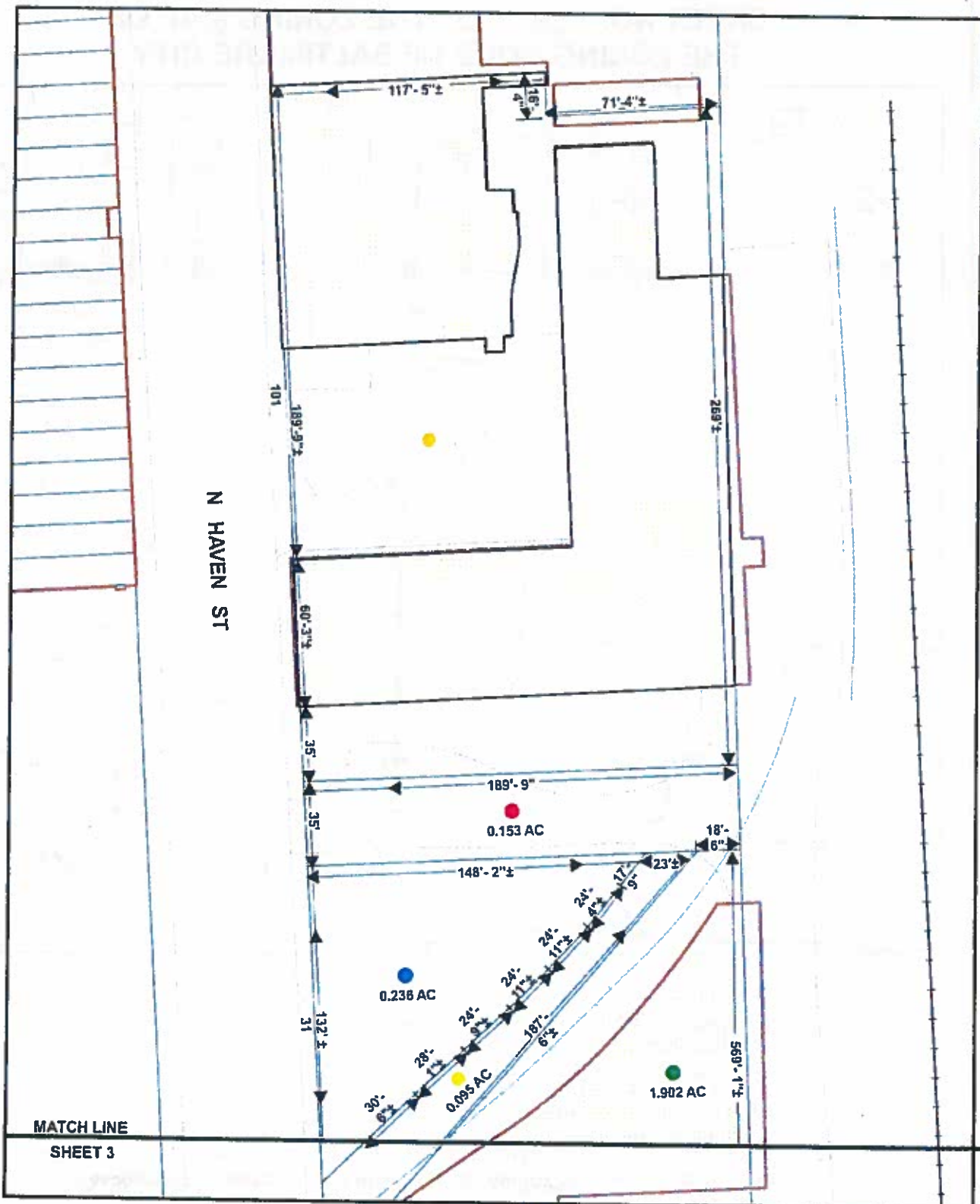
- 101 N HAVEN STREET
- ES N HAVEN ST 767-6'N Of E LOMBARD ST
- 31 N HAVEN STREET
- ES N HAVEN ST 605-1'N Of E LOMBARD ST
- 1 N HAVEN STREET

The Applicant Wishes To Request The Rezoning Of The Aforementioned Properties From I-2 Zoning to I-MU Zoning, As Shown In Various Color Circles Above.

WARD 26 SECTION 18
BLOCK 6254 LOTS 1
6264A 1, 2, 3 & 5

MAYOR

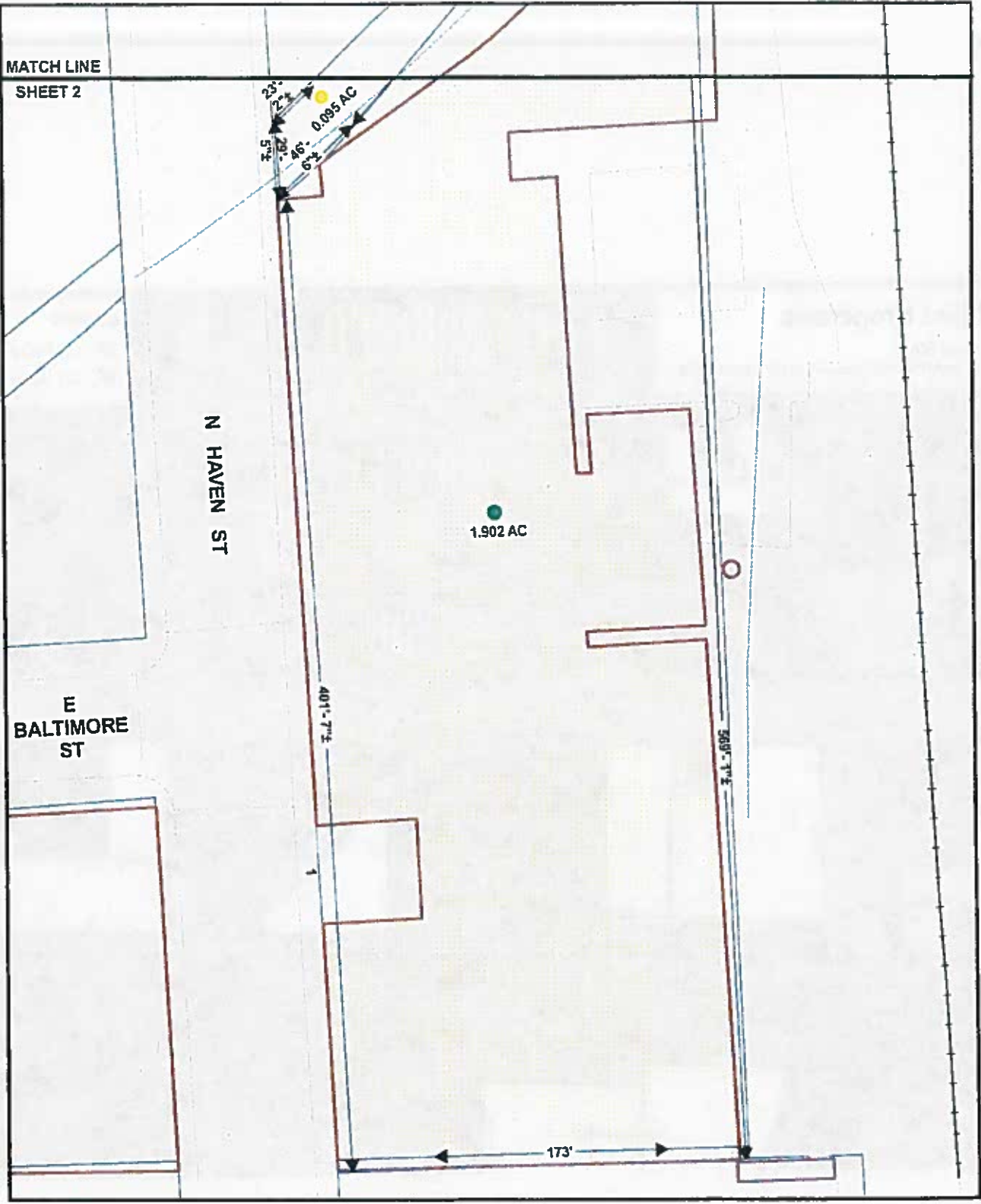
PRESIDENT CITY COUNCIL



Scale: 1" = 60'

- 101 N HAVEN STREET
- ES N HAVEN ST 767'-6" OF E LOMBARD ST
- 31 N HAVEN STREET
- ES N HAVEN ST 605'-1" OF E LOMBARD ST
- 1 N HAVEN STREET

MATCH LINE
SHEET 2



Scale: 1" = 60'

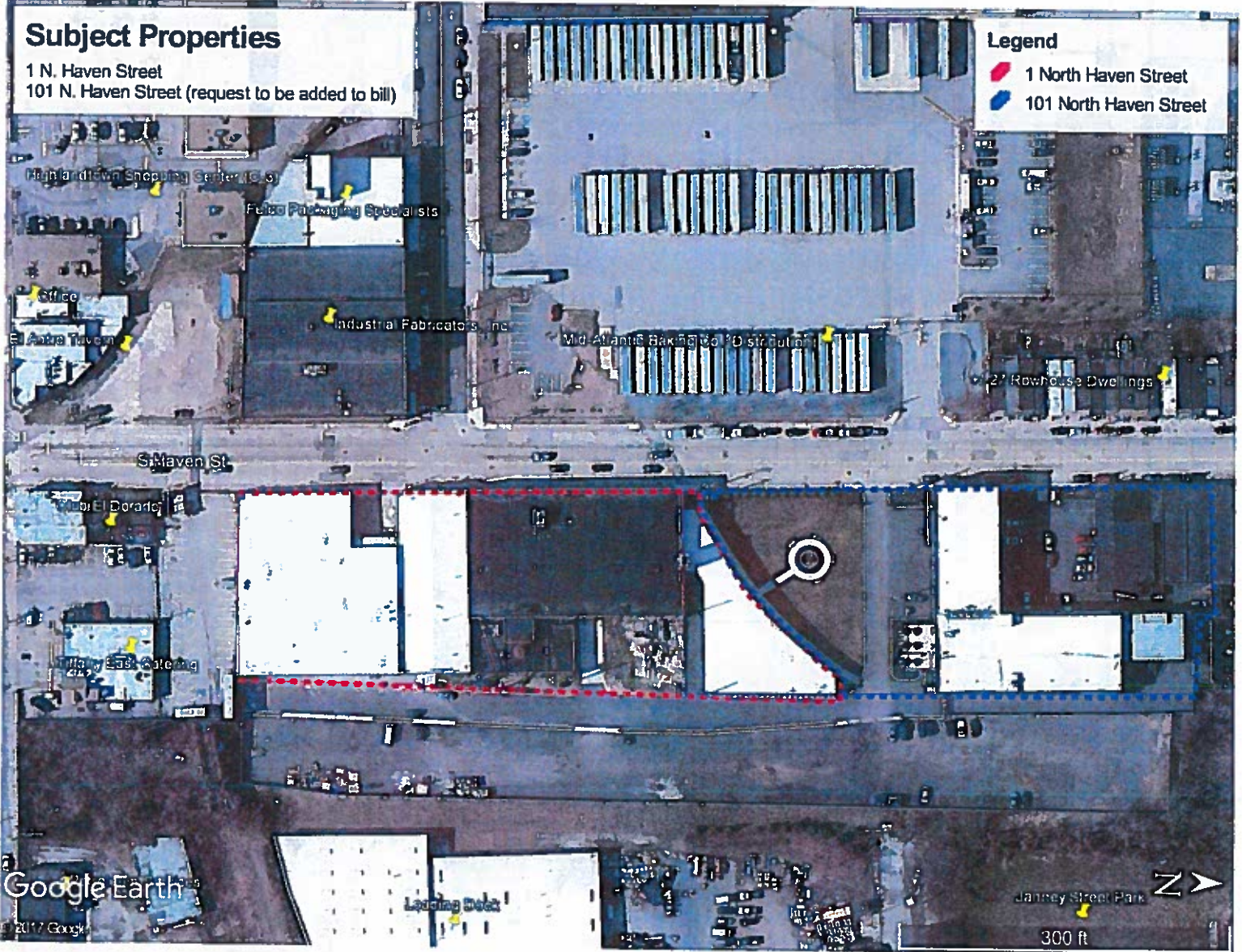
● 1 N HAVEN STREET

Subject Properties

1 N. Haven Street
101 N. Haven Street (request to be added to bill)

Legend

- 1 North Haven Street
- 101 North Haven Street



Google Earth

© 2017 Google

Loading Dock

Janney Street Park

300 ft

LAND USE AND TRANSPORTATION COMMITTEE

BILL 17-0122

AGENCY REPORTS

Planning Commission	Favorable/Amend
Board of Municipal Zoning Appeals	
Department of Transportation	Favorable
Department of Law	Favorable/comments
Department of Housing and Community Development	Unfavorable
Baltimore Development Corporation	Favorable

FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #17-0122 / REZONING - 1 NORTH HAVEN STREET		

TO

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

DATE:

July 16, 2018

At its regular meeting of July 12, 2018, the Planning Commission considered City Council Bill #18-0122, for the purpose of changing the zoning for the property known as 1 North Haven Street, as outlined in red on the accompanying plat, from the I-2 Zoning District to the I-MU Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended disapproval of City Council Bill #18-0122 and adopted the following resolution nine members being present (six in favor):

RESOLVED, That the Planning Commission disagrees with the recommendation of its departmental staff, and recommends that City Council Bill #18-0122 be amended to include the property at 101 North Haven Street, and that it is passed by the City Council with that amendment.

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

TJS/ewt

attachment

cc: Mr. Pete Hammen, Chief Operating Officer
Mr. Jim Smith, Chief of Strategic Alliances
Ms. Karen Stokes, Mayor's Office
Mr. Colin Tarbert, Mayor's Office
Mr. Kyron Banks, Mayor's Office
The Honorable Edward Reisinger, Council Rep. to Planning Commission
Mr. William H. Cole IV, BDC
Mr. Derek Baumgardner, BMZA
Mr. Geoffrey Veale, Zoning Administration
Ms. Sharon Daboin, DHCD
Ms. Elena DiPietro, Law Dept.
Mr. Francis Burnszynski, PABC
Ms. Eboni Wimbush, DOT
Ms. Natawna Austin, Council Services
Mr. Ervin Bishop, Council Services
Mr. Justin Williams, Esq.



Catherine E. Pugh
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Thomas J. Stosur
Director

July 12, 2018

REQUEST: City Council Bill #17-0122/ Rezoning – 1 North Haven Street:

For the purpose of changing the zoning for the property known as 1 North Haven Street, as outlined in red on the accompanying plat, from the I-2 Zoning District to the I-MU Zoning District.

RECOMMENDATION: Disapproval

STAFF: Eric Tiso

PETITIONER: Metro Development, LLC, c/o Justin Williams, Esq.

OWNER: Metro Development, LLC

SITE/GENERAL AREA

Site Conditions: 1 North Haven Street is located on the east side of the street, at the “T” intersection with East Baltimore Street. The property contains ±1.902 acres, and is currently improved with a one- and two-story industrial building covering a majority of the site.

General Area: This site is located on the western edge of the Kresson neighborhood, at the border of the Baltimore Highlands neighborhood.

HISTORY

- On June 5, 2017, this property was rezoned to the I-2 Industrial District from the M-3 Industrial District.
- This bill was previously scheduled for the Planning Commission meetings of October 19, 2017 and November 9, 2017, but was postponed.

ANALYSIS

Background: Staff understands that this request was brought about due to an interest by a potential tenant for 1 North Haven Street for an indoor recreation use. That use of the building is not permitted in the I-2 District, but would be permitted in the I-MU district. Since the first Planning Commission meeting for this bill, the requested use was accommodated through an interpretation by the Zoning Administrator, which removed the immediate need for this bill. The same owner also has two adjacent small parcels (Block 6264A, Lots 001 and 002), as well as 101 North Haven Street, which is currently in use as the Emerging Technology Center (ETC) Haven Campus, a venture of the Baltimore Development Corporation (BDC).

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 Article 32 – *Zoning*, §5-508(b), where staff finds that this change is not in the public's interest. It also references a memorandum submitted by the applicant with their justification for rezoning (attached), and incorporates our review of that position.

Required findings – §5-508(b)(1): Applicants argue in their proposed findings of fact letter that it was a mistake that this property was not rezoned to the Industrial-Mixed Use (I-MU) district as part of the Comprehensive Rezoning effort, TransForm Baltimore, where the building was renovated in 2015 to allow for a mix of office and light-industrial tenants. As support for this concept, a 2015 approval for office use within the building, and previous authorization for a brewery use were offered, and that these uses would disqualify the property from being appropriately zoned I-2, as those uses would either preclude the building from being used industrially, or that the uses have become nonconforming.

Staff disagrees with this analysis, both in the sense that the building is now disqualified from industrial use due to its renovation, and that the existing uses are now nonconforming. There is a wide range of uses now allowed in the I-2 district. While a given building may not have the heaviest of uses within it in every instance, the need for a cohesive industrial district is important to the survival of the industrial district as a whole. The erosion of existing industrial areas puts undue pressure on the remaining industrial users, and as potential commercial or residential typically offer higher prices, it can lead to a domino effect in loss of industrial uses. For that

reason, maintaining appropriately sized and located industrial districts is important for the overall health of this sector of Baltimore's economy.

Staff disagrees with the argument that the existing use mix in the building disqualifies it from being appropriately zoned I-2. Office uses were permitted as a conditional use in the M-3 district under the old zoning classification under the title of "Offices – Business & professional (other than accessory)". "Office" use is now permitted in the current I-2 district as a conditional use, though when secondary to a primary industrial use. To mitigate that protective requirement, office uses legally established as of the effective date of this Code are deemed conforming and are not required to be secondary to a primary industrial use.

The use of "Beer and ale: brewing" was a permitted use in the M-3 district under the old zoning classification, and is now a permitted use in the I-2 district under the "Industrial: Light" land use. As such, these uses have not become nonconforming, and may continue. Even if certain uses became nonconforming, it does not support an argument that the industrial use is not appropriate. If that argument were accepted, it would only accelerate the erosion of the industrial districts as discussed above – the exact opposite effect of the protection that industrial zoning should provide.

For all of these reasons, staff cannot find that the designation of 1 North Haven Street in the I-2 district was a mistake, and recommends that the Planning Commission reject the argument for mistake. Additionally, for the alternative argument: While there have been some changes of land use within the area, staff does not find those changes to amount to a significant change in the area that would otherwise support a rezoning. This industrial area remains intact, this building is located on a major truck route that serves the Port of Baltimore, and so the existing designation of I-2 continues to be appropriate.

Required findings of fact – §5-508(b)(2):

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;
 - The applicant cites an increase in population in the area of approximately 1,000 people. It is not clear what information was used to support that assertion. The information available to the Department of Planning through the American Community Survey (ACS) shows this property at the edge of three reporting areas, one to the southwest, one to the southeast, and another to the north (including the site itself). The first two incorporate larger solidly residential areas. If those areas were used to provide the population estimate, additional caution in relying on that data is due. The ACS data is useful for showing trends of changes in populations, but as a survey tool, should not be relied upon for specific population counts. In any event, an increase in housing demand putting pressure on the existing industrial areas further reinforces the need to protect those industrial areas from intrusion.
- (ii) the availability of public facilities;
 - This part of the City is well served by public facilities, which does not independently affect the zoning of this property.

- (iii) present and future transportation patterns;
- This property is located on Haven Street, on a through truck route (second in rank-order only to Interstate Highways). The existing transportation infrastructure supports the existing industrial district, and is a necessary link to nearby highways and port.
- (iv) compatibility with existing and proposed development for the area;
- The applicant asserts that the existing building is not suitable for modern heavy industrial use, and that it should therefore be considered for a wider range of alternative uses. An important consideration is that there are alternative uses available under the existing I-2 classification which will be suitable for this building. More importantly, is the preservation of a cohesive industrial district that will not lead to further non-industrial development pressure, accelerating the deterioration of the existing industrial zone. For that reason, staff believes that this property still has value to the industrial district, and still has an adequate range of options available for its reuse, as has already been demonstrated through the renovations it has seen to date. Additionally, the I-MU district would also allow for residential use, which is incompatible with the heavier industrial zone surrounding this site, and should not be encouraged.
- (v) the recommendations of the City agencies and officials; and
- The Board of Municipal and Zoning Appeals (BMZA) will comment separately on this bill.
- (vi) the proposed amendment's consistency with the City's Comprehensive Master Plan.
- The applicant's memorandum includes a partial quotation from the City's Comprehensive Master Plan (CMP) on page 163, and then interprets the section to provide a rationale for the rezoning of this property to the I-MU district, due to a desire to include mixed-use within the building. That section of the plan asserted the need for additional types of industrial districts, to meet broader spectrum of needs for the industrial users as much as it was to allow for the reuse of existing buildings that would otherwise be incentivized to be demolished. Through the Comprehensive Rezoning of the City, those new industrial districts have since been enacted as the Industrial- Mixed-use (I-MU), Bioscience Campus (BSC), and Office Industrial Campus (OIC) districts in today's Article 32 – *Zoning*. As the quoted section continues onto the next page of the plan, it goes on to say:

"One of the fundamental purposes for our existing industrial districts is to protect the industrial uses by intrusion from other uses. The commercial uses allowed in this mixed-use district will have to be carefully controlled so as not to allow them to overrun the industrial uses that are not able to afford the same property prices, else they will be out-competed and will moot the mixed-use district." (CMP p. 164)

This again indicates the need for keeping cohesive industrial districts that support a wider range of industrial uses, without compromising the district as a whole. The Plan further indicated for proposed changes to the Industrial districts (i.e. not those proposed to be newly created) that they:

"...will be essentially our existing exclusively industrial and manufacturing zones. They need to be reviewed and updated to ensure that the needs of our industrial users are met. This will also provide protection, as they are not able to afford the same property prices as business and residential uses. Without this protection, industrial uses can be out-competed and will leave the City in a shortage of consolidated industrial core areas."
(CMP p. 164)

Additional standards – General – §5-508(b)(3):

Additional standards that must be considered for map amendments are:

- (i) existing uses of property within the general area of the property in question;
 - There are a variety of industrial and commercial uses in the immediate area, to include:
 - Mid-Atlantic Baking (which the applicant incorrectly labels as a nonconforming use, as discussed above) and a metal fabrication shop immediately across Haven Street to the west;
 - a wood-turning company within the subject property; and
 - a BG&E substation, an auto recycler, and an ornamental iron company to the immediate north.
- (ii) the zoning classification of other property within the general area of the property in question;
 - This parcel is part of the I-2 District, and while there are other zoning classifications within a multi-block radius of this site, none are adjacent to this site. Rezoning this site alone would create a new stand-alone island of I-MU zoning, unrelated to any other properties. Nearly the entire extent of the Kresson area is zoned I-2 industrial, with the only other classification being I-1 at the eastern end of the area, and nearly the entirety of the Orangeville Industrial Area to the north is also zoned I-2. For this reason, the subject property should not be rezoned to I-MU in isolation.
- (iii) the suitability of the property in question for the uses permitted under its existing zoning classification; and
 - The existing I-2 classification provides for a range of industrial uses for the existing building. The proposed I-MU zone would allow for residential use, which is not appropriate in this area.
- (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.
 - There has been an increase in pressure on industrial districts to the south of this area, by intruding commercial and residential uses. The office and brewery uses of this building are allowed by the existing I-2 zoning (see discussion above), and may continue to operate, just as before when the property was zoned M-3.

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:** In addition to the information above, the Comprehensive Plan anticipated creating a new variety of industrial districts to serve modern needs of industry, but had as a central goal the preservation of industrial areas, and protecting them from erosion.
2. **The needs of Baltimore City:** There is a need to protect industrial areas that now exist, and there are other appropriately-zoned areas for the specific use proposed that triggered this application, which supports the disapproval of this rezoning.
3. **The needs of the particular neighborhood:** This site is set among other industrial users, and zoning this site as I-MU does not meet any need or goal of the neighborhood at large.

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 has not been a significant change in population that would indicate a change in zoning is needed.
2. **The availability of public facilities;** Adequate facilities are now available, and will remain available to serve a broad range of land uses.
3. **Present and future transportation patterns;** This site is located along a designated through truck route, which is intended to serve this industrial area, providing access to the highways, and the rest of the City.
4. **Compatibility with existing and proposed development for the area;** While the I-MU district generally provides for compatible uses with general industrial use, in this specific instance, it likely would lead to the erosion of a heavier industrial district by allowing incompatible uses (specifically Recreation: Indoor, and residential uses).
5. **The recommendations of the Planning Commission and the Board of Municipal and Zoning Appeals (BMZA);** For the above reasons, the Planning Department recommends disapproval 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.** Again, the Comprehensive Plan has as a goal of preservation of industrial areas.

Notification: The following community organizations were notified of this bill: The Brewer's Hill Community Association, the Brewers Hill Neighbors, the Baltimore-Highland Community Association, Inc., the Highlandtown Community Association (HIGH-C), and the Southeast Community Development Corporation (SCDC).



Thomas J. Stosur
Director

The Baltimore City Department of
**HOUSING & COMMUNITY
DEVELOPMENT**

MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council
c/o Natawna Austin, Executive Secretary

From: Michael Braverman, Housing Commissioner *MB*

Date: August 24, 2018

Re: **City Council Bill 17-0122 - Rezoning – 1 North Haven Street**

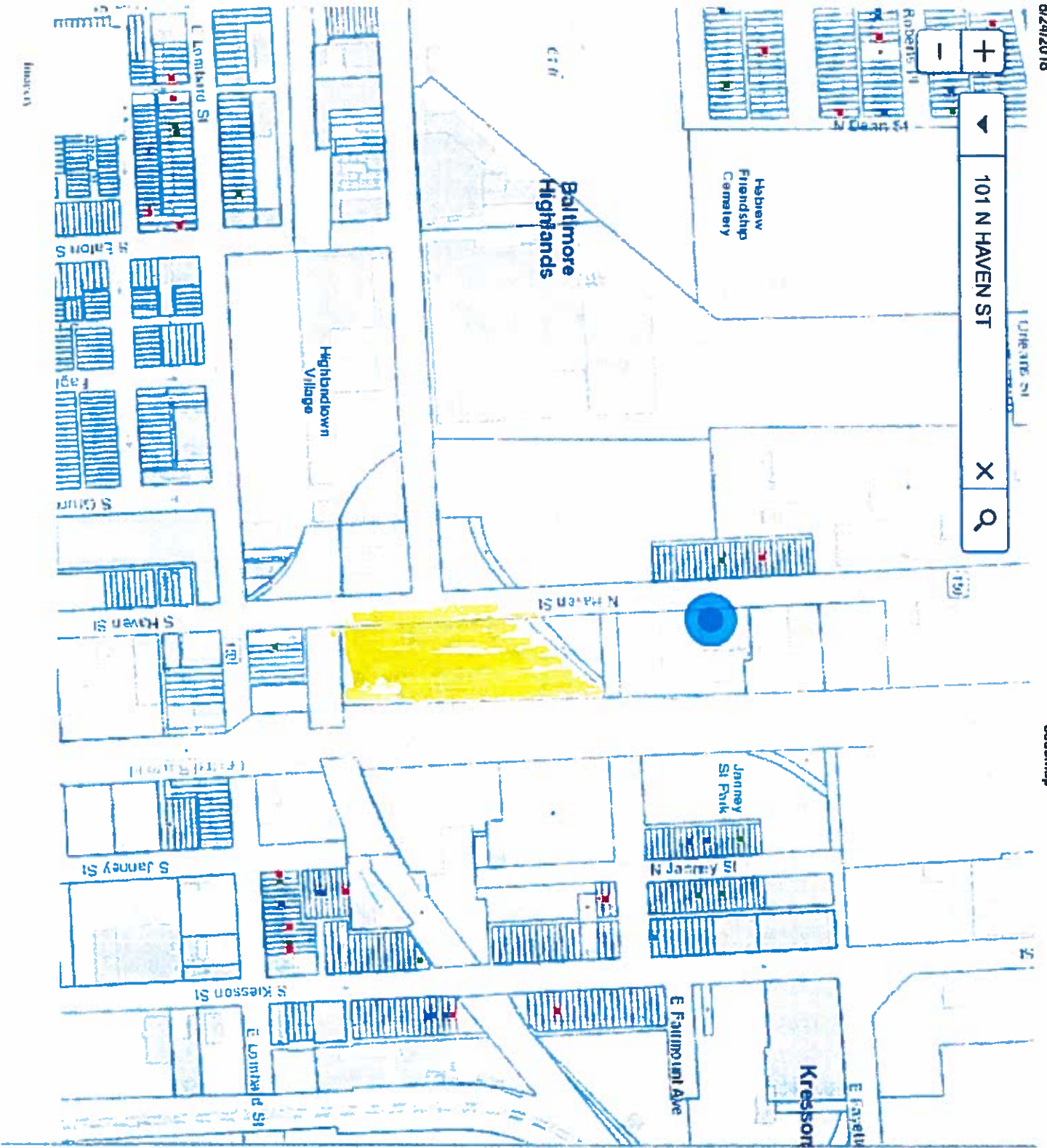
The Department of Housing and Community Development (HCD) has reviewed City Council Bill 17-0122, for the purpose of changing the zoning for the property known as 1 North Haven Street from the I-2 Zoning District to the I-MU Zoning District.

If enacted, this bill would change the zoning of an industrial zoned property in an industrial district from I-2 to I-MU. The property is located on a major truck route (Haven Street) that serves the Port of Baltimore. If this bill is passed and the zoning is changed the new zoning would allow residential development to be built in an industrial district that could start the deterioration of a cohesive industrial district. Cohesive industrial districts in the City support important industrial and manufacturing uses and should be maintained. The current use of this building as office space and a brewery are allowed by the existing I-2 Zoning District and may continue to operate.

The Department of Housing and Community Development supports the recommendation from the Department of Planning and does not support the passage of City Council Bill 17-0122.

MB:sd

cc: Ms. Karen Stokes, *Mayor's Office of Government Relations*
Mr. Kyron Banks, *Mayor's Office of Government Relations*



codemap

Focus Areas

Project COI

Phase 1

Phase 2

Phase 3

Phase 4

Comm De

Major Rede

Major R

Popplet

Streamline

Opportunil

CE Internal

DHCD Acqri

Demolition

Non-CC

Configur

FOG Res

Potential

Demo W

Deed Date

FD Outstand

Water Cons


BPD

BRNI, CL, CI

Liquor

HABC Scalf

.....

F R O M	NAME & TITLE	Michelle Pourciau, Director	CITY of BALTIMORE	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 E Fayette Street, Room 527		
	SUBJECT	City Council Bill 17-0122	M E M O	

TO The Honorable President and
Members of the City Council
c/o Natawna Austin
Room 400 City Hall

December 22, 2017

I am herein reporting on City Council Bill 17-0122- Rezoning - 1 North Haven Street For the purpose of changing the zoning for the property known as 1 North Haven Street, as outlined in red on the accompanying plat, from the I-2 Zoning District to the I-MU Zoning District.

DOT supports this bill and respectfully requests a favorable report.

Respectfully,



Michelle Pourciau
Director

MP/lw

Cc: Kyron Banks, Mayor's Office

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



DEPARTMENT OF LAW

ANDRE M. DAVIS, City Solicitor
101 City Hall
Baltimore, Maryland 21202

September 18, 2018

Honorable President and Members
of the City Council of Baltimore
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Attn: Natawna B. Austin
Executive Secretary

Re: City Council Bill 17-0122 – Rezoning – 1 N. Haven Street.

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 17-0122 for form and legal sufficiency. The bill would change the zoning for 1 N. Haven Street. from the I-2 Zoning District to the I-MU Zoning District.

The Planning Department issued a Staff Report (“Report”) regarding the property proposed to be rezoned by the current bill. The Planning Staff Report recommended disapproval of the bill. The Planning Commission, however, voted to disagree with the Staff Report and recommend approval of the bill to rezone the property. The Staff Report analyzes the bill according to the requirements of Art. 32, §5-508. The Staff Report concludes that there are not facts to support the standards in §5-508 and therefore there can be no findings that there has been a change in the character of neighborhood or a mistake in the existing zoning. In addition, a change in the zoning of the property would result in the erosion of space for industrial uses that are essential to Baltimore’s economy, especially considering the surrounding properties are zoned I-2 as well.

The City Council may approve a proposed map amendment based on a finding that there was a “mistake in the existing zoning classification.” Md. Land Use Code Ann., §10-304(b)(2); Baltimore City Code, (BCC) Art. 32, § 5-508(b)(1)(ii). In determining whether to rezone on the basis of mistake, the City Council is required to make findings of fact, for each property, on the following matters: (1) population change; (2) the availability of public facilities; (3) the present and future transportation patterns; (4) compatibility with existing and proposed development; (5) the recommendations of the Planning Commission and the Board of Municipal and Zoning Appeals; and (6) the relationship of the proposed amendment to the City’s plan. Md. Land Use Code Ann., §10-304(b)(1). *See also*, BCC, Art. 32, § 5-508(b)(2) (citing same factors with (v) being “the recommendations of the City agencies and officials,” and (vi) being “the proposed amendment’s consistency with the City’s Comprehensive Master Plan.”). Article 32 of the City

Code also requires Council to consider: "(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." § 5-508(b)(3).

Council's decision regarding a piecemeal rezoning is reviewed under the substantial evidence test, and should be upheld "if reasoning minds could reasonably reach the conclusion from facts in the record." *Cty. Council of Prince George's Cty. v. Zimmer Dev. Co.*, 444 Md. 490, 510 (2015), quoting, *Cremins v. Cnty. Comm'rs of Washington Cnty.*, 164 Md.App. 426, 438 (2005). See also, *White v. Spring*, 109 Md. App. 692, 699, cert. denied, 343 Md. 680 (1996) ("the courts may not substitute their judgment for that of the legislative agency if the issue is rendered fairly debatable"); *Floyd v. County Council of Prince George's County*, 55 Md.App. 246, 258 (1983) ("substantial evidence" means a little more than a 'scintilla of evidence.'").

With regard to rezoning on the basis of mistake, it is "firmly established that there is a strong presumption of the correctness of original zoning and of comprehensive rezoning." *People's Counsel v. Beachwood I Ltd. Partnership*, 107 Md. App. 627, 641 (1995), quoting, *Wells v. Pierpont*, 253 Md. 554, 557 (1969). To sustain a piecemeal change, there must be substantial evidence that "the Council failed to take into account then existing facts . . . so that the Council's action was premised . . . on a misapprehension." *White v. Spring*, 109 Md. App. at 698, quoting, *People's Counsel*, 107 Md. App. at 645. In other words, "[a] conclusion based upon a factual predicate that is incomplete or inaccurate may be deemed in zoning law, a mistake or error; an allegedly aberrant conclusion based on full and accurate information, by contrast, is simply a case of bad judgment, which is immunized from second-guessing." 109 Md. App. at 698. "Error can be established by showing that at the time of the comprehensive zoning the Council failed to take into account then existing facts, or projects or trends which were reasonably foreseeable of fruition in the future, so that the Council's action was premised initially on a misapprehension[.]" [and] "by showing that events occurring subsequent to the comprehensive zoning have proven that the Council's initial premises were incorrect." *Boyce v. Sembly*, 25 Md. App. 43, 51 (1975) (citations omitted). "Thus, unless there is probative evidence to show that there were then existing facts which the Council, in fact, failed to take into account, or subsequently occurring events which the Council could not have taken into account, the presumption of validity accorded to comprehensive zoning is not overcome and the question of error is not 'fairly debatable.'" *Id.* at 52.

A finding of mistake, however, absent a regulatory taking, merely permits the further consideration of rezoning, it does not mandate a rezoning. *White*, 109 Md. App. at 708. Rather, a second inquiry "regarding whether, and if so, how, the property is reclassified," is required. *Id.* at 709. This second conclusion is due great deference. *Id.* (after a prior mistake has been established

and accepted as fact by a legislative zoning entity, that entity's decision as to whether to rezone, and if so, how to reclassify, is due the same deference the prior comprehensive rezoning was due).

In sum, the Land Use and Transportation Committee (the "Committee") is required to hold a quasi-judicial public hearing with regard to the bill wherein it will hear and weigh the evidence as presented in: (1) the Planning Report and other agency reports; (2) testimony from the Planning Department and other City agency representatives; and (3) testimony from members of the public and interested persons. After weighing the evidence presented and submitted into the record before it, the Committee is required to make findings of fact for each property with regard to the factors in §§10-304 and 10-305 of the Land Use Article and § 5-508 of Article 32. If, after its investigation of the facts, the Committee makes findings which support: (1) a mistake in the comprehensive zoning; and (2) a new zoning classification for the properties, it may adopt these findings and the legal requirements for granting the rezoning would be met. **The Law Department notes that the Report does not supply facts to support each of the findings required by law; therefore, Council must base its findings on other testimony presented at the hearing.**

Finally, certain procedural requirements apply to this bill beyond those discussed above because a change in the zoning classification of a property is deemed a "legislative authorization." BCC Art. 32, § 5-501(2)(iii). Specifically, notice of the City Council hearing must be given by publication in a newspaper of general circulation in the City, by posting in a conspicuous place on the property and by first-class mail, on forms provided by the Zoning Administrator, to each person who appears on the tax records of the City as an owner of the property to be rezoned. Art. 32, §5-601(b). The notice of the City Council hearing must include the date, time, place and purpose of the hearing, as well as the address of the property and the name of the applicant. Art. 32, §5-601(c). The posted notices must be at least 3 feet by 4 feet in size, placed at a prominent location, and at least one sign must be visible from each of the property's street frontages. Art. 32, §5-601(d). The published and mailed notices must be given at least 15 days before the hearing; the posted notice must be at least 30 days before the public hearing. Art. 32, §5-601(e),(f).

The bill is the appropriate method for the City Council to review the facts and make the determination as to whether the legal standard for rezoning has been met. Assuming the required findings are made at the hearing and that all procedural requirements are satisfied, the Law Department approves the bill for form and legal sufficiency.

Sincerely,



Elena R. DiPietro
Chief Solicitor

cc: **Andre Davis, City Solicitor**
Karen Stokes, Director, Mayor's Office of Government Relations
Kyron Banks, Mayor's Legislative Liaison
Ashlea Brown, Assistant Solicitor
Hilary Ruley, Chief Solicitor
Victor K. Tervalo, Chief Solicitor
Avery Aisenstark

The attached document is a copy of the letterhead memorandum (LHM) prepared by the Mayor's Office of Government Relations (MOGR) on [redacted] regarding the [redacted] project. The LHM is being provided to you for your information and to ensure that you are kept up to date on the project's progress.

The LHM was prepared by the MOGR on [redacted] and is being provided to you for your information. The LHM is being provided to you for your information and to ensure that you are kept up to date on the project's progress. The LHM is being provided to you for your information and to ensure that you are kept up to date on the project's progress.

The LHM was prepared by the MOGR on [redacted] and is being provided to you for your information. The LHM is being provided to you for your information and to ensure that you are kept up to date on the project's progress. The LHM is being provided to you for your information and to ensure that you are kept up to date on the project's progress.


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MEMORANDUM

TO: Honorable President and Members of the City Council
Attention: Natawna B. Austin, Executive Secretary

FROM: William H. Cole, President and CEO 

DATE: October 3, 2017

SUBJECT: City Council Bill No. 17-0122
Rezoning – 1 North Haven Street

The Baltimore Development Corporation (BDC) has been asked to comment on City Council Bill No. 17-0122, an ordinance for the purpose of changing the zoning for the property known as 1 North Haven Street from the I-2 Zoning District to the I-MU Zoning District.

1 North Haven Street is a multi-tenanted industrial building that was built in 1920. Although partially vacant, existing uses in the building include a brewery with taproom, architectural woodturning and tap handle manufacturer, and a furniture company office, showroom, and warehouse. Collectively, these uses meet the definition of Light Industrial uses as *"enclosed low-intensity, non-nuisance light fabrication and assembly-type manufacturing, with little to no outside impacts,"* (Baltimore City Code, Article 32, Section 11-204) and do not require the more intensive I-2 zoning.

The proposed I-MU zoning district (Baltimore City Code Article 32, Section 11-203(a)) *"is intended to encourage the reuse of older industrial buildings for light industrial use, as well as a variety of non-industrial uses."* This zoning will allow for the remaining vacant space to be occupied by a non-industrial tenant, which nonetheless requires many of the space requirements of an industrial user to be able to operate.

BDC believes that the preservation of contiguous industrial space, especially those properties with Rail, Port, and Truck Route access is necessary to preserve and grow the City's industrial business sectors. However, application of I-MU zoning in this case will: preserve existing and future industrial uses at the property; allow for the effective reuse of an old, partially-unoccupied industrial building; serve as a buffer between the large swath of I-2 properties to the East and North and the residential and commercial areas to the south and southwest.



City Council Bill No. 17-0122 – Rezoning – 1 North Haven Street
Page 2

An analysis of the existing properties on Haven Street between Lombard Street and Pulaski Highway, reveal a mix of existing uses, including Commercial Office, Retail, Entertainment, Residential, and Industrial uses. The Highlandtown Village Shopping Center – zoned C-2 – is located around the corner from this property and Haven Street itself is a dividing line between I-2 industrial and non-industrial zoned spaces south of Lombard Street.

Given the existing mix of industrial and non-industrial land uses along Haven Street from Lombard Street to Pulaski Highway, the proposed I-MU Zoning at this location would be consistent with and compatible to the current mix of land uses, and would not substantially diminish the industrial character of the area.

BDC supports the proposed ordinance and respectfully requests that Bill No. 17-0122 be given favorable consideration by the City Council.

cc: Kyron Banks

LAND USE AND TRANSPORTATION COMMITTEE

BILL 17-0122

Communications

- Highlandtown Community Association, Mr. Brian Sweeney, President; Dated 9/27/2017
- Emerging Technology Center (ETC); Received 10/24/17
- Rosenberg Martin Greenberg – Mr. Justin Williams/Metro Development LLC; Dated: 9/26/18

HIGHLANDTOWN

COMMUNITY ASSOCIATION

September 27, 2017

The Honorable Brandon M. Scott
Baltimore City Council
City Hall, Suite 500
100 N. Holliday Street
Baltimore, MD 21202

Re: CCB #17-122
Rezoning - 1 North Haven Street

Dear Councilman Scott:

On behalf of the Highlandtown Community Association, I am pleased to offer this letter in support of the proposed rezoning of 1 North Haven Street from the I-2 Zoning District to the IMU Zoning District as well as to the amendment to include 101 North Haven Street in the request. We have met with representatives of the owner/developer, and we understand the request will permit mixed-use that permits the existing and proposed uses for the properties. Please accept this letter as verification of our community's support of City Council Bill 17-122, and please feel free to contact me with any questions.

Sincerely,

Brian Sweeney
President - Highlandtown Community Association
C- 443-220-9780

HIGHLANDTOWN COMMUNITY ASSOCIATION
P. O. BOX 12333
HIGHLANDTOWN, MD 21281-1333
www.highlandtown.com

received
10-24-17 fke



The Honorable Brandon M. Scott
Baltimore City Council
City Hall, Suite 500
100 N. Holliday Street
Baltimore, Maryland 21202

Re: CCB #17-0122
Rezoning - 1 North Haven Street

Dear Councilman Scott:

On behalf of the Emerging Technology Center (ETC), I am pleased to offer this letter in support of the proposed rezoning of 1 North Haven Street from the I-2 Zoning District to the I-MU Zoning District. As you know, the ETC is a venture of the Baltimore Development Corporation and serves as a technology and innovation center focused on growing early-stage companies. Since 1999, the ETC has provided assistance to over 450 companies, 85% of which are still in business, creating more than 2,500 jobs and raising more than \$2.4 Billion in outside funding.

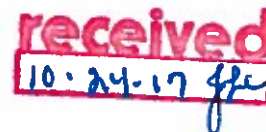
The ETC has been a tenant in the King Cork & Seal building at 101 North Haven Street since 2013 and it is our understanding that the owner is amending CCB# 17-0122 to including this property. The current I-2 zoning of the property may prohibit certain new office uses and/or the expansion of existing office uses. The proposed I-MU zoning would permit the expansion of existing office uses as well as new office uses and therefore we believe the rezoning is necessary to accommodate the growth of the ETC and the graduate companies the ETC incubates.

Accordingly, please accept this letter as verification of the ETC's support of City Council Bill 17-0122, and please feel free to contact me with any questions.

Sincerely,

cc: The Honorable Ed Reisinger, Chair, Land Use & Transportation Committee
Mr. Wilbur Cunningham, Chairman, Planning Commission

4832-9707-8097, v. 1



Justin A. Williams
25 South Charles Street, 21st Floor
Baltimore, Maryland 21201
P: (410) 727-6600/F: (410) 727-1115
jwilliams@rosenbergmartin.com



MEMORANDUM

TO: LAND USE & TRANSPORTATION COMMITTEE,
BALTIMORE CITY COUNCIL

FROM: JUSTIN A. WILLIAMS

CC: METRO DEVELOPMENT, LLC

RE: CCB # 17-0122 – REZONING – 1 NORTH HAVEN STREET (THE “PROPERTY”)
PROPOSED FINDINGS OF FACT & REQUEST TO AMEND LEGISLATION TO
INCLUDE:
101 N. HAVEN STREET
ES N. HAVEN STREET 767-6’ N OF E. LOMBARD STREET
31 N. HAVEN STREET
ES N HAVEN STREET 605-1’ N OF E. LOMBARD STREET

DATE: SEPTEMBER 26, 2018

The City Council has the authority to change the zoning classification of a property as part of a comprehensive rezoning process or upon a finding that there was either 1) a substantial change in the character of the neighborhood where the property is located, or 2) a mistake in the existing zoning classification. MD. CODE ANN., Land Use § 10-304(b)(2); Baltimore City Code, Article 32 – Zoning § 5-508(b)(1). Here, there was a mistake in the 2017 comprehensive rezoning of the Property as I-2 in that the City Council did not consider the significant adaptive reuse project occurring at 1 North Haven Street. The former warehouse building on the Property was constructed in 1920 and completely renovated in 2015 to allow for a mix of office and light-industrial tenants. The BMZA granted approval of the request to use portions of the property as “business and professional offices, other than accessory, within a mixed-use industrial and manufacturing building” in Appeal No. 2015-93. In early 2017, Monument City Brewing opened a 12,800-SF brewery and taproom at the property. The adaptive reuse of the Property to allow for these office and brewery uses no longer makes it suitable for heavy-industrial tenants, and it was a mistake for the City Council to rezone the property to a map designation that makes the office and brewery uses non-conforming, and thus, would not permit them to expand.

For the same reason, and in light of the proposed findings of fact outlined below, the following properties, which are part of the same campus as 1 N. Haven Street and identified on the Plat dated 8-28-18 (collectively, the “Additional Properties”), should be added to the rezoning bill as recommended by the Planning Commission:

101 N. Haven Street
ES N. Haven Street 767-6’ N of E. Lombard Street
31 N. Haven Street
ES N Haven Street 605-1’ N of E. Lombard Street



The rezoning of the Additional Properties to I-2 was also a significant mistake as the BMZA approved the use of portions of the Additional Property for offices in Appeal No. 2012-389. The improvements on the property known as 101 N. Haven Street was designated a Historic Landmark by the City Council in 2013. In the Landmark Designation Report, it was specifically noted that the owner was “in the process of rehabilitating and renting the property as a mixed-use office complex” and that “the current rehabilitation and adaptive reuse [was] also part of the larger trend of Baltimore’s recent history of deindustrialization.” Significantly, following the rehabilitation of 101 N. Haven Street to permit office uses, the City’s Emerging Technology Center, (the “ETC”) moved its technology incubator to 101 N. Haven Street. A venture of the Baltimore Development Corporation, the ETC houses dozens of startup companies, some of which have leased commercial space in the building. Since its founding, the ETC client companies have received over \$1.6 billion in funding and created over 2,325 creative class jobs. It was a mistake to rezone the property to a designation that makes office uses non-conforming, and thus, would prevent the ETC from expanding and prevent the companies the ETC incubates from locating in other portions of the property.

In connection with the finding that there was a mistake in the existing zoning classification that justifies the rezoning of the Property and the Additional Properties (the Property and the Additional Properties are collectively referred to hereinafter as the “Properties”), both Section 5-508(b) of the Zoning Code and Section 10-304 of the Maryland Land Use Article require the City Council to make findings of fact that address:

(i) Population Change

- The census tract that includes the Properties has increased its population from 1,507 in 2009 to 2,555 in 2014 per census estimates. This is a 69% increase and a reflection of the change in the character of the area away from solely heavy industrial.

(ii) The availability of public facilities;

- The area is well-served by public utilities and services, and will remain so for the foreseeable future.

(iii) Present and future transportation patterns;

- The rezoning of the Properties will not adversely impact present or future transportation patterns. Haven Street is a designated “through truck route” on the City’s Official Truck Route map. This is consistent with the light industrial and commercial uses permitted in the Industrial Mixed-Use Zoning District.

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

- Per Section 11-203(a) of the Zoning Code, the intent of the I-MU Zoning District is “to encourage the reuse of industrial buildings for light industrial use, as well as a variety of non-industrial uses.” The buildings on the

Properties are too old and are ill-suited to be utilized for modern heavy industrial users. The existing and proposed development of the Properties have been in line with the intent of the I-MU Zoning District as a variety of light-industrial and compatible non-industrial uses have been added there for several years.

- The wider general area is industrial in nature, but is comprised of a wide mix of uses, which make the industrial mixed-use designation appropriate and compatible. Directly across the street from the Properties are several dozen rowhomes as well as The Mid-Atlantic Baking Company facility. While the rowhomes are zoned I-2, notably, the residential uses are not permitted in the I-2 Zoning District. The Highlandtown Village Shopping Center is zoned C-3 and the Highlandtown Co-Op Senior Housing Facility, is zoned C-1: both are located in close proximity.
- (v) The recommendations of the Baltimore City Planning Commission and the Board of Municipal and Zoning Appeals;
- The Baltimore City Planning Commission recommended the rezoning of the Properties to I-MU. The Board of Municipal and Zoning Appeals has not yet commented on this Bill.
- (vi) The proposed amendment's consistency with the City's Comprehensive Master Plan.
- The City's LiveEarnPlayLearn Master Plan specifically notes that "the current requirements of industrial users no longer fit into the strictly industrial models in [the] Zoning Code [then in effect]..." and recommends the creation of a mixed-use district that permits industrial users to "have a mix of office and other supporting uses that are not traditionally industrial in nature, but are necessary to include in the same buildings." Comprehensive Master Plan, Recommendations, p. 163.
 - The proposed rezoning of the Properties to I-MU will allow for the continued reuse of the existing buildings with industrial uses, such as a woodworking facility, while also permitting the Properties to include more commercial and light industrial components, such as a brewery, indoor recreation, and offices, in those same buildings.
 - Moreover, the Zoning Code itself indicates that the I-MU Zoning District "is intended to encourage the reuse of older industrial buildings for light industrial use, as well as a variety of non-industrial uses" and adds that [t]hese older industrial buildings are often surrounding by residential and other non-industrial uses." § 11-203(a).
 - This type of zoning is appropriate for the Properties as they are adjacent to the rowhomes along North Haven Street and will accommodate the continued adaptive reuse of the buildings, which both obtained BMZA

approval to offices, while also containing a number of light-industrial and commercial uses.

Section 5-508(b)(3) of the Zoning Code also mandates that the following additional standards be considered for map amendments:

- (i) Existing uses of property within the general area of the property in question;**
 - The Properties are located along a portion of Haven Street between Lombard Street and Pulaski Highway that has a wide mix of uses, including residential, commercial and industrial. At Pulaski Highway and Haven Street are retail uses, while at Lombard Street and Haven Street there are taverns and a banquet hall. Directly across the street from the Properties are houses and bakery distribution facility. The I-MU designation is a good fit for this mix of uses.
- (ii) The zoning classification of other property within the general area of the property in question;**
 - In addition to the I-2-zoned areas that abut the Properties, the nearby Highlandtown Village Shopping Center is zoned C-3. Other nearby zoning designations include I-1, C-1, and R-8. The proposed I-MU zoning designation is appropriate as a transition among these zoning districts.
- (iii) The suitability of the property in question for the uses permitted under its existing zoning classification; and**
 - The Properties are currently zoned I-2, which “is intended to provide for a wide variety of general manufacturing, fabricating, processing, wholesale distributing, and warehousing uses.” The Properties, which were recently approved for office uses and are improved with renovated buildings with flex industrial and office uses, are not well-suited to be solely zoned for heavy industrial uses.
- (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 Properties were placed in their present zoning classification when Transform Baltimore became effective on June 5, 2017. The general trend of development in the vicinity has been mixed-use development. Since the time Transform Baltimore was first introduced in the City Council in early 2012, the Properties both received BMZA approval for office uses and have since been redeveloped with a mix of uses that are now non-conforming in the current I-2 Zoning District.

LAND USE AND TRANSPORTATION COMMITTEE

BILL 17-0122

Proposed Amendments

- Planning Commission – Dated: July 16, 2018
- Metro Development, LLC – September 26, 2018

DLR DRAFT I 23AUG18

DLR DRAFT I 23AUG18

**AMENDMENTS TO COUNCIL BILL 17-0122
(1" Reader Copy)**

By: Department of Planning
{ To be offered to the Land Use and Transportation Committee }

Amendment No. 1

On page 1, in line 2, after "1", insert "**and 101**"; and, on the same page, in lines 3 and 14, in each instance, after "1", insert "**and 101**".

Amendment No. 2

On page 1, in lines 3 and 14, in each instance, strike "property" and substitute "**properties**".

Amendment No. 3

On page 1, in lines 4, 14, and 17, in each instance, before "plat", insert "**revised**".



**AMENDMENT TO CITY COUNCIL BILL 17-0122
(First Reader Copy)**

Proposed by: Metro Development, LLC
{To be offered to the Land Use & Transportation Committee}

Amendment No. 1:

On page 1, in line 14, strike “property known as 1 North Haven Street, as outlined in red” and replace with “certain properties known as 101 N. Haven Street, ES N. Haven Street 767-6’ N. of E. Lombard Street, 31 N. Haven Street, ES N. Haven Street 605-1’ N. of E. Lombard Street, and 1 N. Haven Street” as shown in the various color circles”

4827-5100-1202, v. 1

received
9-14-18 frc

**CITY OF BALTIMORE
COUNCIL BILL 17-0122
(First Reader)**

Introduced by: Councilmember Scott

At the request of: Metro Development, LLC

Address: c/o Justin A. Williams, Esquire, Rosenberg | Martin | Greenberg, LLP, 25 South
Charles Street, 21st Floor, Baltimore, Maryland 21201

Telephone: 410-727-6600

Introduced and read first time: September 11, 2017

Assigned to: Land Use and Transportation Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning
Appeals, Planning Commission, Department of Housing and Community Development,
Baltimore Development Corporation, Department of Transportation

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Rezoning – 1 North Haven Street**

3 FOR the purpose of changing the zoning for the property known as 1 North Haven Street, as
4 outlined in red on the accompanying plat, from the I-2 Zoning District to the I-MU Zoning
5 District.

6 BY amending

7 Article 32 - Zoning
8 Zoning District Map
9 Sheet 58
10 Baltimore City Revised Code
11 (Edition 2000)

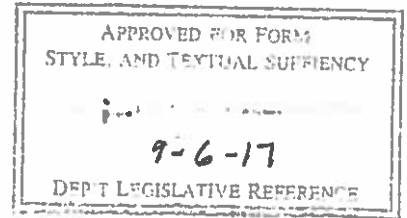
12 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That
13 Sheet 58 of the Zoning District Map is amended by changing from the I-2 Zoning District to the
14 I-MU Zoning District the property known as 1 North Haven Street, as outlined in red on the plat
15 accompanying this Ordinance.

16 **SECTION 2. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the
17 accompanying plat and in order to give notice to the agencies that administer the City Zoning
18 Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council
19 shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat;
20 and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the
21 Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of
22 Housing and Community Development, the Supervisor of Assessments for Baltimore City, and
23 the Zoning Administrator.

24 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
25 after the date it is enacted.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

INTRODUCTORY*
CITY OF BALTIMORE
COUNCIL BILL _____



Introduced by: Councilmember Scott
At the request of: Metro Development, LLC
Address: c/o Justin A. Williams, Esquire, Rosenberg | Martin | Greenberg, LLP, 25 South
Charles Street, 21st Floor, Baltimore, Maryland 21201
Telephone: 410-727-6600

A BILL ENTITLED

AN ORDINANCE concerning

Rezoning – 1 North Haven Street

FOR the purpose of changing the zoning for the property known as 1 North Haven Street, as outlined in red on the accompanying plat, from the I-2 Zoning District to the I-MU Zoning District.

BY amending

Article 32 - Zoning
Zoning District Map
Sheet 58
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Sheet 58 of the Zoning District Map is amended by changing from the I-2 Zoning District to the I-MU Zoning District the property known as 1 North Haven Street, as outlined in red on the plat accompanying this Ordinance.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.



**STATEMENT OF INTENT
FOR**

REZONING – 1 N. HAVEN STREET, 101 N. HAVEN STREET, ES N. HAVEN STREET 767-6' N OF E. LOMBARD STREET, 31 N. HAVEN STREET, AND ES N. HAVEN STREET 605-1' N OF E. LOMBARD STREET

1. Applicant's name, address and telephone number: Metro Development, LLC c/o Justin A. Williams, Rosenberg Martin Greenberg, LLP, 25 S. Charles Street, 21st Floor, Baltimore, MD 21201 (410) 727-6600
2. All proposed changes for the property: Rezone the following properties from the I-2 Zoning District to the I-MU Zoning District: 1 N. Haven Street, 101 N. Haven Street, ES N. Haven Street 767-6' N OF E. Lombard Street, 31 N. Haven Street, and ES N. Haven Street 605-1' N of E. Lombard Street.
3. All intended uses of the property: Commercial and light industrial uses
4. Current owner's name, address, and telephone number:

Address	Owner Information
1 N. Haven Street ES N. Haven Street 767-6' N OF E. Lombard Street 31 N. Haven Street	Metro Development, LLC 3242 Esther Place Baltimore, MD 21224 (410) 563-7549
101 N. Haven Street	101 North Haven Street, LLC c/o Metro Development, LLC 3242 Esther Place Baltimore, MD 21224 (410) 563-7549
ES N. Haven Street 605-1' N OF E. Lombard Street	Pennsylvania Lines LLC c/o Norfolk Southern Railway CO 110 Franklin Road, SE Roanoke, VA 24042

5. The property was acquired by the current owner by deed recorded in the Land Records of Baltimore City in:

Address	Reference
1 N. Haven Street ES N. Haven Street 767-6' N OF E. Lombard Street 31 N. Haven Street	Liber FMC 16430, folio 376
101 N. Haven Street	Liber FMC 10633, folio 414
ES N. Haven Street 605-1' N OF E. Lombard Street	Liber FMC 9093, folio 439

6. (a) There is ___ is not X a contract contingent on the requested legislative authorization.

(b) If there is a contract contingent on the requested legislative authorization:

(i) The names and addresses of all parties on the contract are {use additional sheet if necessary}:


(ii) The purpose, nature and effect of the contract are: _____

7. (a) The applicant is ___ is not X acting as an agent for another.

(b) If the applicant is acting as an agent for another, the names of all principals on whose behalf the applicant is acting, including the names of the majority stockholders of any corporation, are {use additional sheet if necessary}: N/A

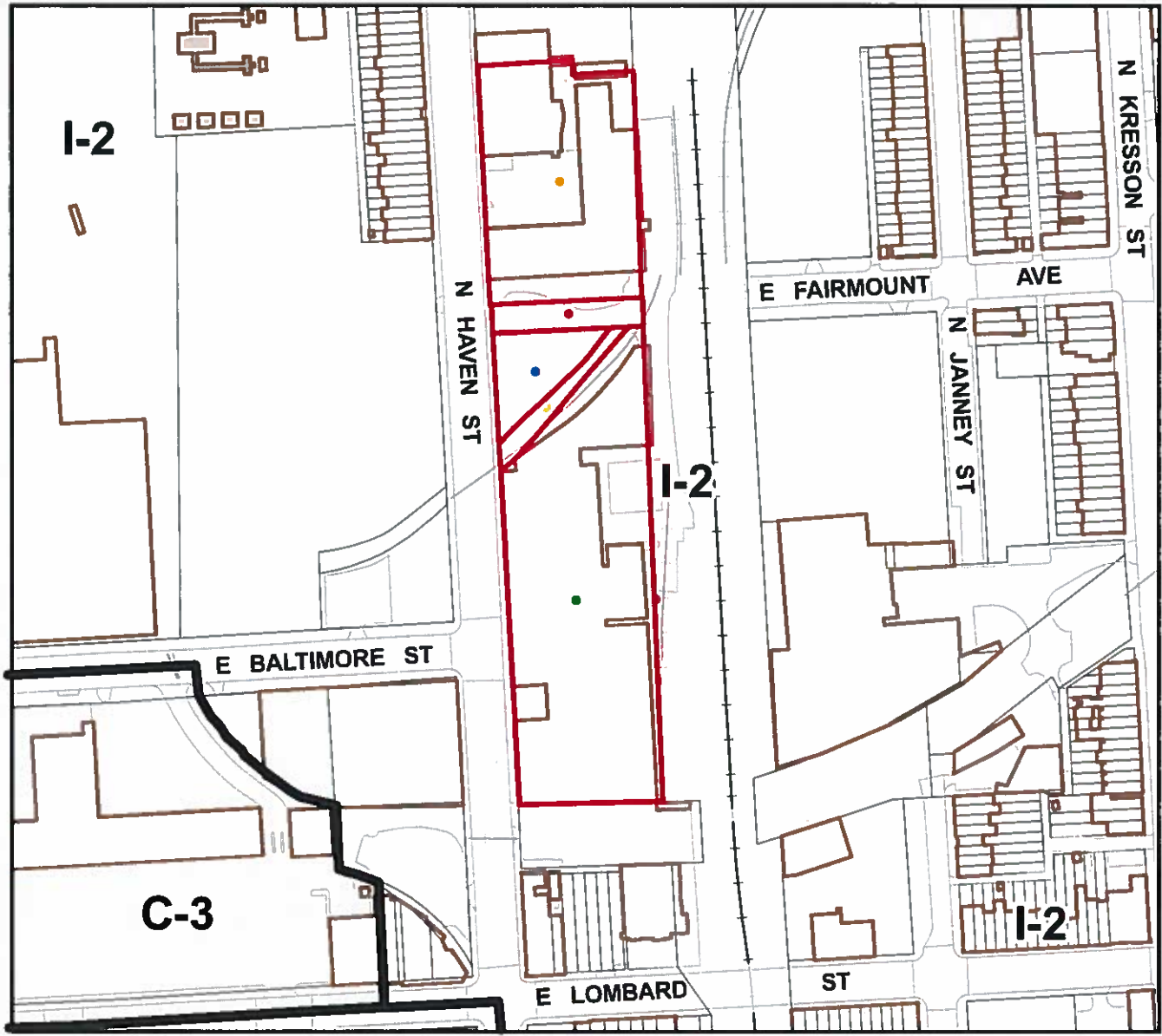
AFFIDAVIT

I, Justin A. Williams, solemnly affirm under the penalties of perjury that the information given in this Statement of Intent is true and complete to the best of my knowledge, information and belief.

By: 
Justin A. Williams, Authorized Agent

9/17/18
Date

**SHEET NO. 58 OF THE ZONING MAP OF
THE ZONING CODE OF BALTIMORE CITY**



Scale: 1" = 200'

Note: In Connection With Properties Known As:

- 101 N HAVEN STREET
- ES N HAVEN ST 767-6'N Of E LOMBARD ST
- 31 N HAVEN STREET
- ES N HAVEN ST 605-1'N Of E LOMBARD ST
- 1 N HAVEN STREET

The Applicant Wishes To Request The Rezoning Of The Aforementioned Properties From I-2 Zoning to I-MU Zoning, As Shown In Various Color Circles Above.

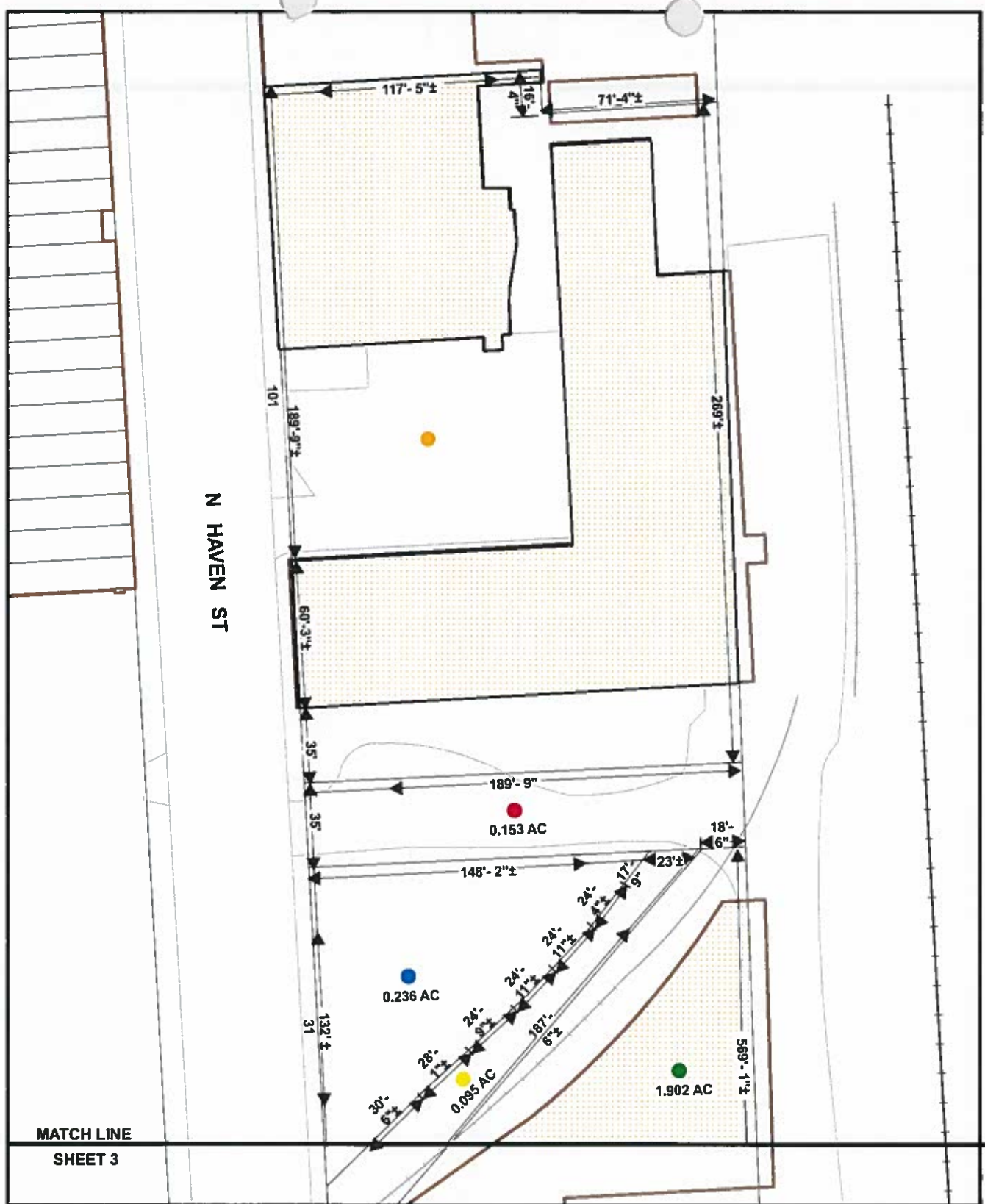
WARD 26 SECTION 18
BLOCK 6254 LOTS 1
6264A 1, 2, 3 & 5

MAYOR

PRESIDENT CITY COUNCIL

122



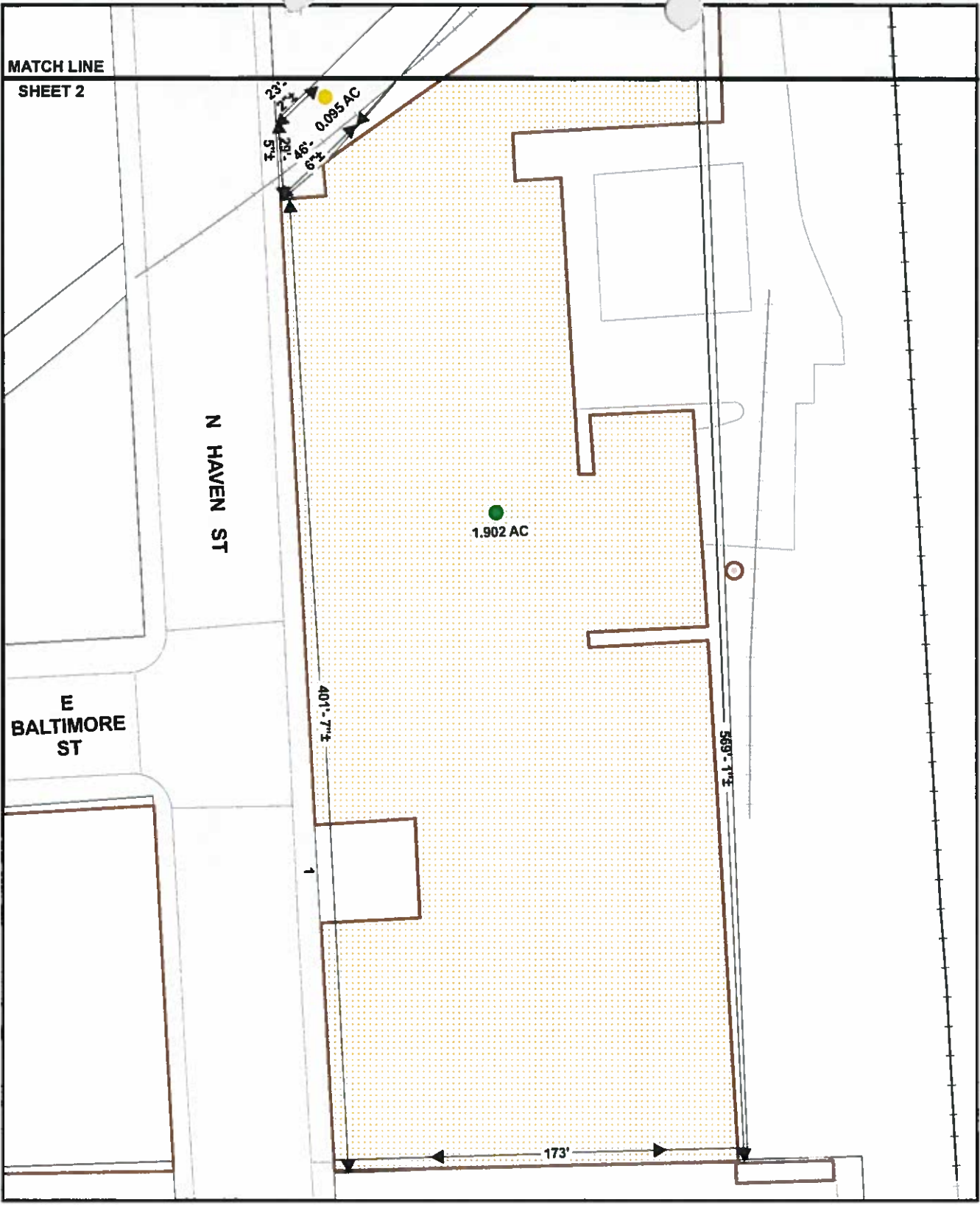


Scale: 1" = 60'

- 101 N HAVEN STREET
- ES N HAVEN ST 767'-6" N Of E LOMBARD ST
- 31 N HAVEN STREET
- ES N HAVEN ST 605'-1" N Of E LOMBARD ST
- 1 N HAVEN STREET



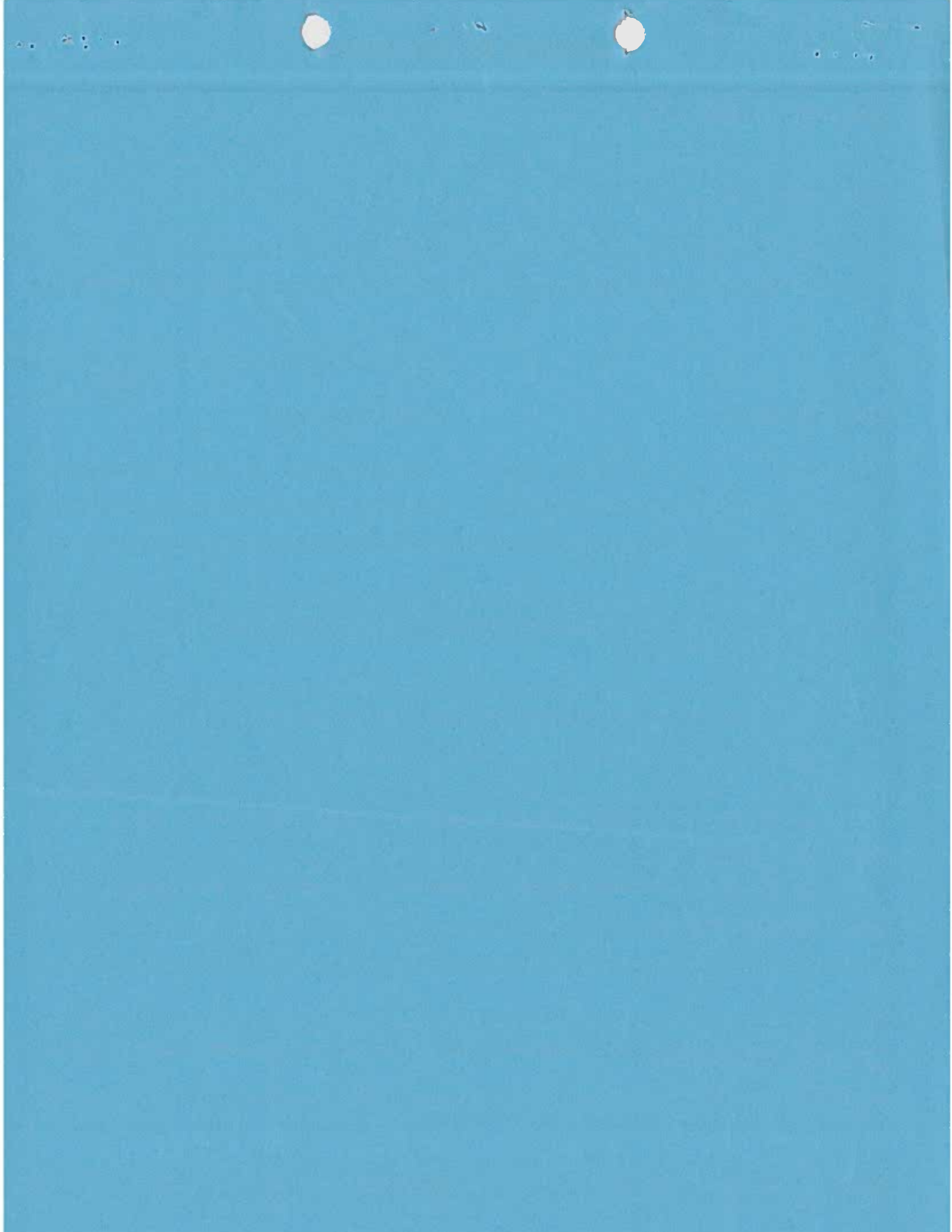
MATCH LINE
SHEET 2



Scale: 1" = 60'

● 1 N HAVEN STREET





ACTION BY THE CITY COUNCIL

SEP 11 2017

FIRST READING (INTRODUCTION) _____ 20 _____

PUBLIC HEARING HELD ON September 26, _____ 20 18

COMMITTEE REPORT AS OF October 15, _____ 20 18

_____ FAVORABLE _____ UNFAVORABLE FAVORABLE AS AMENDED _____ WITHOUT RECOMMENDATION

Edward J. Busby
Chair

COMMITTEE MEMBERS:

COMMITTEE MEMBERS:

SECOND READING: The Council's action being favorable (unfavorable), this City Council bill was (was not) ordered printed for Third Reading on:

OCT 15 2018
20 _____

Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING _____ OCT 29 2018
20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (ENROLLED) _____ 20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (RE-ENROLLED) _____ 20 _____

WITHDRAWAL _____ 20 _____

There being no objections to the request for withdrawal, it was so ordered that this City Council Ordinance be withdrawn from the files of the City Council.

Paul J. Long

President

William J. Dean

Chief Clerk