


FROM	NAME & TITLE	LAURIE FEINBERG, ACTING DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #18-0294 / REZONING – CERTAIN PROPERTIES TO BE REZONED TO THE NEW IMU-2 ZONING DISTRICT		

TO

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

DATE: December 21, 2018

At its regular meeting of December 20, 2018, the Planning Commission considered City Council Bill #18-0294, for the purpose of changing the zoning for certain properties, as outlined in red on the accompanying plats, from the I-MU Zoning District or the I-2 Zoning District, to the IMU-2 Zoning District, to reflect the establishment, by separate ordinance, of the new IMU-2 Zoning District; and making this ordinance subject to a certain contingency.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended amendment and approval of City Council Bill #18-0294 and adopted the following resolution; eight members being present (seven in favor):

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #18-0294 be amended and passed by the City Council, with the following additional amendment:

- That the following three additional lots are included for rezoning to IMU-2: Block 6264A, Lots 001, 002, and 003.

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

LF/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
 Mr. Tyrell Dixon, DCHD
 Ms. Elena DiPietro, Law Dept.
 Mr. Francis Burnszynski, PABC
 Mr. Josh Taylor, DOT
 Ms. Natawna Austin, Council Services
 Mr. Ervin Bishop, Council Services



Catherine E. Pugh
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Laurie Feinberg
Acting Director

December 20, 2018

REQUEST: City Council Bill #18-0294/ Rezoning – Certain Properties to be Rezoned to the New IMU-2 Zoning District:

For the purpose of changing the zoning for certain properties, as outlined in red on the accompanying plats, from the I-MU Zoning District or the I-2 Zoning District, to the IMU-2 Zoning District, to reflect the establishment, by separate ordinance, of the new IMU-2 Zoning District; and making this ordinance subject to a certain contingency.

RECOMMENDATION: Amendment and Approval, subject to the passage of City Council Bill #18-0277, and with the following amendments:

- On page 1, in Line 15, strike “36,” and strike lines 21-26 in their entirety; and
- Delete page 2 from the plats exhibit accordingly.

STAFF: Laurie Feinberg

PETITIONER: The Council President, on behalf of The Administration (Department of Planning)

OWNER: Multiple

SITE/GENERAL AREA

General Area:

The ten properties listed for rezoning are in four areas. They include along Interstate 83, the Haven Street truck route, a site in Carroll Camden which is all industrial and near the tracks and a group of properties in east Baltimore that are mostly vacant and underutilized but the remaining uses are industrial.

HISTORY

- City Council Bill #18-0277 was introduced on September 17, 2018, which will create the new IMU-2 zone that this bill will implement.

ANALYSIS

This bill represents a comprehensive review of industrial mixed-use properties (see Staff report for CCB #18-0277) and recommends rezoning to the new IMU-2 category the following properties:

1. 1700 West 41st Street
2. 1780 Union Avenue

3. **1230 East 20th Street**
 4. **1270 East 20th Street**
 5. **1220 Curtain Avenue**
 6. **2100 Aiken Street**
 7. **2201 Aisquith Street**
 8. 1 North Haven Street
 9. 101 North Haven Street
 10. 1700 Bayard Street (also known as 1401 Severn Street)
- (Note: The properties bolded here are proposed to be removed by staff's amendment above.)

The new IMU-2 district is being created to fill a gap between the IMU-1 which permits residential use and the heavier industry categories that do not permit residential. This new category permits a variety of industrial uses as well as commercial, and properties recommended are either adjacent to truck routes, rail or highways. Below is the code description of the new category:

THE IMU-2 DISTRICT IS GENERALLY FOR INDUSTRIAL BUILDINGS THAT ARE ADJACENT TO HEAVIER INDUSTRY, PORT USES, HIGHWAYS, OR TRUCK ROUTES AND NOT RESIDENTIAL AREAS. THIS DISTRICT IS INTENDED TO PROTECT INDUSTRIAL LAND AND TRUCK ROUTES FROM PRESSURES OF RESIDENTIAL USES

This proposed rezoning is considered a comprehensive rezoning under Article 32 – *Zoning* §1-304(m), in that it is an ordinance that is: “(1) initiated by City government to modify the zoning classifications of multiple properties; (2) based on considerations concerning the common needs of a substantial geographic area, involving a considerable number of properties; (3) designed to control and direct the use of land and structures according to present and planned future conditions; and (4) the product of: (i) careful consideration and extensive study by the Planning Department; and (ii) review by the Planning Commission.”

This comprehensive rezoning is the result of careful study of existing industrially zoned properties as well as IMU zoned properties. The study focused on areas that were no longer suitable for the heaviest industry, yet not appropriate for residential use. The specific concerns were related to proximity to rail lines, highways and truck routes and was based on the reasoning that residential use is not compatible to those areas. This study resulted in the recommendation of a new category IMU-2 and a remapping of properties meeting those criteria.

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 §5-508(b)(3) of Article 32 – *Zoning*, where staff finds that this change is in the public's interest, in that it will rezone properties to a new zoning designation that did not previously exist, but which better matches the nature of industrial and/or mixed land uses on specific properties. By providing a zoning classification option for the re-use of buildings that does not include the negative pressures brought by residential redevelopment on surrounding industrial users, the City will allow for adaptive reuse, without putting otherwise stable industrial users at risk.

Maryland Land Use Code – Requirements for Rezoning:

The Maryland Land Use Code requires the Planning Commission to study the proposed changes in relation to: 1. The plan; 2. The needs of Baltimore City; and 3. The needs of the particular neighborhood in the vicinity of the proposed changes (*cf.* Md. LAND USE Code Ann. 2012, §10-305). In reviewing this request, the staff finds that:

1. **The Plan:** The proposed rezoning would support the Plan's goal of retaining and attracting businesses in growth sectors by expanding on the Industrial Mixed-Use zoning district created expressly for that purpose.
2. **The needs of Baltimore City:** Re-zoning these ten properties allows a wider variety of commercial and industrial uses, and in turn encourages a wider variety of employers to locate there, that results in job retention and creation that can directly benefit Baltimore residents. At the same time, it does not permit new residential use to conflict with rail and truck routes, and the stability of industrial areas.
3. **The needs of the particular neighborhood:** There are four areas in which these ten properties lie. They will all benefit from the mixed-use redevelopment permitted under this zone.

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 have been no significant population shifts of note in any of the areas surrounding these sites in particular, but as a general trend, staff has noticed a distinct increase in residential development in and around the City's industrial areas. Some of those applications have included rezonings in order for the developments to be realized. This is the type of negative redevelopment pressure that can be avoided by the designation of the new IMU-2 district that allows for reasonable redevelopment that is compatible, and not in a price competition, with industrial areas.
2. **The availability of public facilities;** The areas concerned each have established utility access, as well as satisfactory access by emergency services and police protection, which will not be impacted by the proposed zoning classification.
3. **Present and future transportation patterns;** Each of these areas is well served by the public streets network, which will not be impacted by the proposed zoning classification.
4. **Compatibility with existing and proposed development for the area;** The purpose of creating the IMU-2 district was to provide adequate options for adaptive reuse of existing industrial buildings, but not simultaneously support the industrial areas in which they are found. This new tool will support redevelopment that is compatible with their surrounding areas.
5. **The recommendations of the Planning Commission and the Board of Municipal and Zoning Appeals (BMZA);** For the above reasons, the Planning Department will recommend approval of the rezoning request to the Planning Commission. The BMZA has not yet commented on this bill.
6. **The relation of the proposed amendment to the City's plan.** The proposed rezoning will support the Comprehensive Plan by creating a tool that will retain and attract industrial businesses, expanding on the Industrial Mixed-Use zoning district created expressly for that purpose.

There are additional standards under §5-508(b)(3) that must be considered for map amendments. These include:

- (i) **existing uses of property within the general area of the property in question;**
- (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.**

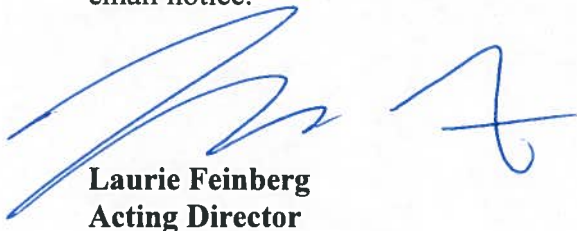
These rezonings are all in areas that are generally industrial in land use, they are all either adjacent to rail tracks highway , truck route or major thoroughfares making them suited for industrial mixed used and not residential. The general trend in development is increasingly mixed use with maker spaces, retail, micro-breweries , office and light industry.

Per §5-508(1) of Article 32 – *Zoning*, and as required by the State Land Use Article, the City Council may approve the legislative authorization based on a finding that there was either: (i) a substantial change in the character of the neighborhood where the property is located; or (ii) a mistake in the existing zoning classification. Staff believes that this comprehensive rezoning is appropriate in that the initial creation and designation of I-MU districts did not fully address the needs for adaptive reuse in general, and some industrial users specifically. The solution was to create a refined tool in splitting the existing I-MU district into two districts (IMU-1 and IMU-2) that will be a better fit. Had this second district been considered at the time of the comprehensive rezoning of the City, this specific rezoning action would not be needed.

Amendments: Staff has taken a closer look at the proposed rezoning shown on Sheet 36 of the plats, and now recommends that these be removed from the bill and associated plats. Since they are currently zoned I-MU, upon enactment of CCB #18-0277 they will automatically be updated to IMU-1 which will allow for residential use among the potential uses for these properties.

Background: This new category and corresponding rezoning addresses the outstanding concerns planning staff had with recent rezoning requests to change industrially zoned properties to I-MU.

Notification: The impacted property owners have been notified of this action as well as a broad email notice.



Laurie Feinberg
Acting Director