

MEMORANDUM

To: Ways and Means Committee
From: Drew E. Tildon
Margaret A. Giordano
Cc: Baltic Avenue Enterprises, LLC
Date: October 29, 2024
Re: **CCB # 24-0591– Rezoning – 121 Riverside Road**

This firm represents Baltic Avenue Enterprises, LLC (the “Applicant”), at whose request Councilmember Porter has introduced the above-referenced legislation (the “Bill”) to rezone the property known as 121 Riverside Road (the “Property”) from the R-6 Zoning District to the IMU-1 Zoning District. The basis of the request is that the City Council mistakenly zoned the Property R-6 under the TransForm Baltimore Zoning Code in 2017.

1. Introduction

The Property is located on Riverside Road, just north of the 10-foot alley that serves as the boundary between Baltimore City and Anne Arundel County. To the east are properties currently operating industrial uses, including the outdoor storage of commercial trucks. To the west is an unimproved, City-owned lot, I-895, and the Patapsco River. The Property has an increased likelihood of flooding due to its proximity to the River, and is therefore located in the floodplain. The Property is situated just to the east of a large I-2 general industrial zoning district and just to the west of several other industrial properties that were rezoned from M-2-1 to R-6 under TransForm Baltimore.

The 13,591 sq. ft. lot is improved by a one-story building that was constructed for use by Baltimore Automatic Wire Forming Corporation (“BAWFC”) in 1964. BAWFC is a family business that was founded in 1956 in South Baltimore. While the company’s beginnings were humble—the first manufacturing facility was so small they were forced to rent small garages to store finished products—it eventually grew to be the oldest and largest manufacturer of wire handles in the United States. BAWFC president Charlie Jenkins, whose father founded the business, retired and sold the company to Marlin Steel in November of 2020, at which point operations at the 121 Riverside factory ceased.

The Property was zoned M-2-1 until 2017. **Exhibit A – 1971 Zoning Map.** The district, which was designed to accommodate uses “customarily regarded as general manufacturing and industrial uses” that have “moderate nuisance characteristics associated with their operation,” was compatible with the Property’s long-standing factory use. 1971 Code Sec. 7-302. Despite the then-existing industrial building and factory operation, the Property was downzoned to R-6 in 2017 upon the enactment of the current TransForm Baltimore Zoning Code (“TransForm”). **Exhibit B – TransForm Zoning Map.** The current zoning designation is intended for “primarily low density rowhouse neighborhoods.”

TransForm Sec. 9-202(a). Industrial uses are outright prohibited, rendering the existing building—constructed for use as a factory—useless.

Mr. Jenkins did not learn of the reclassification until he listed the Property for sale in early 2021 and was unable to identify a buyer. While there were several interested parties, all withdrew their offers upon discovering the Property could not operate industrially. Mr. Jenkins even sought residential developers, but the Property’s location in the floodplain, combined with the limited income potential offered by the meager nine dwelling units permitted by-right under the R-6 minimum lot area requirements, rendered residential redevelopment cost-prohibitive. Accordingly, the Applicant sought to rezone the Property.

At the outset of the rezoning process, the Applicant met with various community leaders, who expressed a desire to transition the area from its historically industrial use to residential. Taking that feedback into account, the Applicant proposed the IMU-1 designation. Industrial Mixed-Use zoning districts are intended to “encourage the reuse of older industrial buildings for light industrial use, as well as a variety of non-industrial uses.” TransForm Sec. 11-203(a)(1). The permitted uses in the IMU-1 District are specifically intended to be compatible with adjacent residential buildings, and the District even allows multi-family dwellings at a higher density than the R-6 District. TransForm Tbls. 11-301 and 11-304. Given its existing industrial improvement as well its proximity to adjacent residential buildings, the IMU-1 District is most appropriate for the Property. Furthermore, the permitted uses and minimum lot area requirements provide a more practical long-term mechanism for the lot’s transition from industrial to residential use.

The Applicant has engaged in extensive community outreach over the last three years, including attending community meetings and going door-to-door. Once made aware of the grave impact the Property’s current zoning designation will have on their community—the lot will remain vacant for the foreseeable future—more than 110 Brooklyn residents, most of whom live within close proximity of the Property, signed a petition in favor of the subject rezoning. **Exhibit C – Petition of Support Summary.**

The City Council failed to account for the impossibility of the Property’s redevelopment for residential use under the R-6 District regulations in light of its location in the flood plain. The Applicant therefore requests that the Property be rezoned to the IMU-1 District on the basis of mistake.

2. The City Council Acted in Error When Zoning the Property R-6 in 2016, Justifying the Property’s Rezoning to the IMU-1 Zoning District on the Ground of Mistake.

Under Section 10-304 of the Maryland Land Use Article and Section 5-508 of the Baltimore City Zoning Code, the City Council may approve a rezoning upon finding there was either “(i) a substantive change in the character of the neighborhood where the property is located; or (ii) a mistake in the existing zoning classification.” Baltimore City Code, Article 32, Section 5-508(b)(1). To demonstrate “mistake” meriting a rezoning, there must be “a showing that the underlying assumptions or premises relied upon by the legislative

body during the immediately preceding original or comprehensive rezoning were incorrect.” *Mayor & Council of Rockville v. Rylyns Enterprises, Inc.*, 372 Md. 514, 538–39 (2002).

The TransForm Baltimore bill file shows no indication that the City Council was aware of the Property’s location in a floodplain, a crucial element of its redevelopment potential. As such, the underlying assumptions upon which the Council relied when assigning the R-6 designation were incorrect, giving rise to a “mistake” meriting a rezoning under *Mayor & Council of Rockville v. Rylyns Enterprises, Inc.*.

3. Required Considerations

In making the determination that there was a mistake in the existing zoning classification to justify a change from an existing zoning classification, both Section 5-508(b) of the Zoning Code and Section 10-304 of the State Land Use Article require the City Council to make the following findings of fact that address:

(a) Population change;

The Brooklyn neighborhood saw a decline of 447 residents from the 2010 census to the 2020 census. The rezoning will make the neighborhood more attractive for potential new residents by reinstating the vacant lot’s use.

(b) The availability of public facilities;

The area is well served by public utilities and services and will remain so for the foreseeable future. Furthermore, the Property has operated for industrial use since 1964, demonstrating the sufficiency of public facilities.

(c) Present and future transportation patterns;

The Property is adjacent to an existing industrial use with outdoor storage of commercial vehicles and just two blocks from Potee Street, which is a through truck route. Furthermore, none of the IMU-1 permitted industrial uses that are suitable for the Property’s size and existing improvements—food processing light, light industrial, self-storage facilities, and warehouses—would generate substantial additional traffic.

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

The IMU-1 District is designed to “encourage the reuse of older industrial buildings for light industrial use, as well as a variety of non-industrial uses,” with permitted uses that are specifically intended to be compatible with adjacent residential buildings. TransForm Sec. 11-203(a)(1). It is therefore an ideal match for the existing industrial building, adjacent industrial uses, and nearby single-family dwellings. Furthermore, the District’s minimum lot area requirement will better facilitate the

Property's future redevelopment for residential use, as it will allow potential developers to offset the cost of compliance with the floodplain requirements by constructing more dwelling units.

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

The Baltimore City Planning Commission recommended approval of the Bill at its October 10, 2024 hearing. The Board of Municipal and Zoning Appeals will comment separately.

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

The proposed rezoning from R-6 to IMU-1 is consistent with the Comprehensive Master Plan's goal to grow the City's employment base, as the IMU-1 Designation will facilitate the presently vacant lot's use by a business. It could also, in the long-term, facilitate the creation of housing units.

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

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

The Property is adjacent to industrial uses, which serve as a buffer between the subject lot and nearby single-family dwellings. The IMU-1 designation will allow the reinstatement of the Property's use in a manner that is compatible with its existing improvements in the immediate future. It also leaves the door open for residential redevelopment in the future.

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

The unimproved City-owned lot and I-895 to the west of the Property are zoned I-2 Heavy Industrial. The lots to the east of the Property were also downzoned from M-2-1 Industrial to R-6 under TransForm Baltimore, but are currently used for industrial purposes. The IMU-1 designation is an appropriate transitional designation between the abutting I-2 and R-6 lots.

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

As noted herein, the existing building, constructed for use as a wire fabrication facility, is fundamentally incompatible with the uses permitted in the R-6 District, rendering the lot unusable. The IMU-1 District allows uses that are not only compatible with the existing industrial structure, but also with the character of the surrounding area.

(d) 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 immediate vicinity has not seen recent development and the industrial use of the Property, which is sandwiched between I-895 and existing industrial operations, will not negatively impact future development in the area.

Section 10-305 of the Maryland Land Use Article Requires this Committee to consider the proposed zoning change 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.

a) The Plan

The proposed rezoning is not only consistent with TransForm’s intent for the IMU-1 District, but also with the Brooklyn Curtis Bay Strategic Neighborhood Action Plan, which calls for the redevelopment of the unimproved City-owned land to the north of the Property as a gateway to the Brooklyn community, generating jobs and commercial activity. As discussed above, the rezoning will also facilitate the creation of City jobs in the short-term and could encourage the creation of additional housing units in the future.

b) The Needs of Baltimore City

The Property is currently vacant and it the subject rezoning is essential to reinstate the lot’s operation as its best and highest use.

c) The Needs of the Particular Neighborhood in the Vicinity for the Proposed Changes

It is in the best interest of residents to eliminate vacant lots and buildings, as demonstrated by the over 110 resident signatures on the attached petition in support of the Bill.

Additionally, the Department of Planning performs the following equity analysis on all proposed rezonings:

(a) Impact on surrounding community;

In the short-term, the rezoning will eliminate a vacant property in the neighborhood and create additional jobs. The change could also have the long-term impact of facilitating the Property’s long-term transition from industrial to residential use.

(b) Level of meaningful community engagement;

The Applicant engaged extensively with the surrounding community and has obtained over 110 signatures from nearby residents in support of the proposed rezoning.

(c) Impact on internal operations;

There has not been, nor is there expected to be, any substantive impact to internal operations as a consequence of this bill.

EXHIBIT LIST

Exhibit A – Department of Planning 1971 Zoning Map

Exhibit B – Department of Planning TransForm Baltimore Zoning Map

Exhibit C – Petition of Support Summary

EXHIBIT A
Department of Planning 1971 Zoning Map



EXHIBIT B
Department of Planning TransForm Baltimore Zoning Map

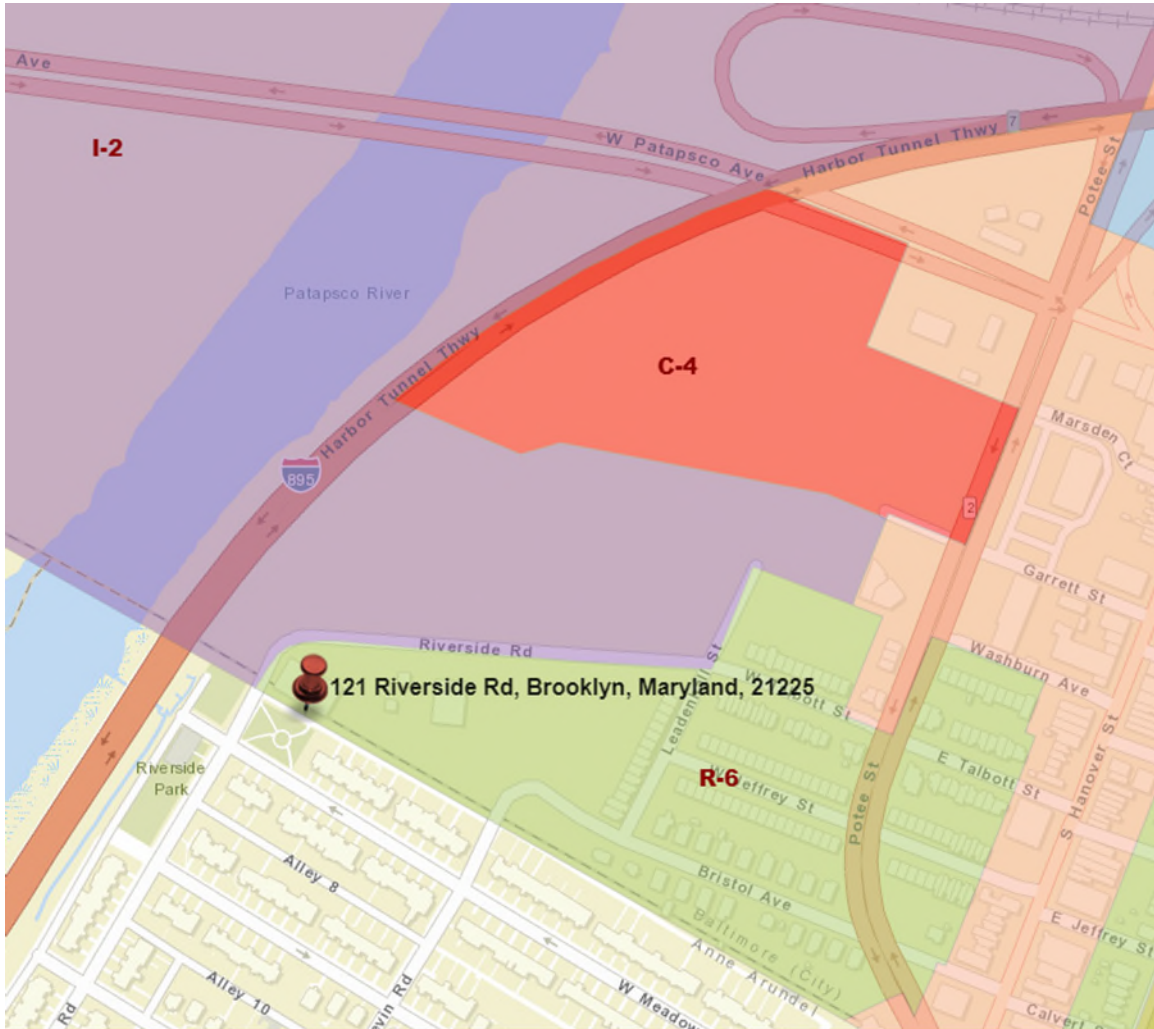


EXHIBIT C
Petition of Support Summary

4889-9789-2595, v. 1

Date (s)	Name	Address	City	
8/5/2024	Arnetta F. Hamilton	330 Maude Ave	Baltimore, MD 21225	
8/5/2024	Malissa Hopkins	400 Maude Ave	Baltimore, MD 21225	
8/5/2024	Trevon Prioleau	332 Maude Ave	Baltimore, MD 21225	
8/5/2024	Daniel Jackson	3501 3rd Street	Baltimore, MD 21225	
8/5/2024	Janet Jackson	3501 3rd Street	Baltimore, MD 21225	
8/5/2024	Ezequiel Herrera	3523 3rd Street	Baltimore, MD 21225	
8/5/2024	Rafael Duarte	125 Jeffrey St	Baltimore, MD 21225	
8/5/2024	Estela Larios	5 Washburn Ave	Baltimore, MD 21225	
8/5/2024	Wayne Thorne	15 Washburn Ave	Baltimore, MD 21225	
8/5/2024	Julia Anthony	9 Washburn Ave (#2)	Baltimore, MD 21225	
8/5/2024	William Gardner	23 Bristol Ave	Baltimore, MD 21225	
8/5/2024	John A Romey	21 Bristol Ave	Baltimore, MD 21225	
8/5/2024	Doris Ezzell	9 Talbott Street	Baltimore, MD 21225	
8/5/2024	Ahmed Baiomy	3811 S Hanover Street	Baltimore, MD 21225	
8/5/2024	Kathy S.	3803 S Hanover Street	Baltimore, MD 21225	
8/5/2024	Jason Heran	3503 3rd Street	Baltimore, MD 21225	
8/5/2024	Yazan Ahmad	208 Maude Ave	Baltimore, MD 21225	
8/5/2024	Christine Bennett	212 Maude Ave	Baltimore, MD 21225	
8/5/2024	Stephanie Wiggins	29 W. Bristol Ave	Baltimore, MD 21225	
8/5/2024	Delmi Marcos	133 Jeffrey St	Baltimore, MD 21225	
8/5/2024	Patricia Wiatrowski	57 W. Talbott St	Baltimore, MD 21225	
8/5/2024	Elmer M. Foster Sr	39 W. Talbott St	Baltimore, MD 21225	
8/5/2024	Herschel Cole	220 Maude Ave	Baltimore, MD 21225	
8/5/2024	Daquon Jenkins	334 Maude Ave	Baltimore, MD 21225	
8/5/2024	Blanca Susana	1 Washburn Ave	Baltimore, MD 21225	
7/30/2024	James Hickey	4004 3rd Street	Baltimore, MD 21225	
7/30/2024	Kathy Hickey	4004 3rd Street	Baltimore, MD 21225	
7/29/2024	Laura Yacobucci	4000 5th Street	Baltimore, MD 21225	
7/29/2024 and 4/7/2024	Ashley Schalge	404 Jack Street	Baltimore, MD 21225	
8/1/2024	Javier Angola	4209 5th Street	Baltimore, MD 21225	
8/1/2024	Bryan Buckland	4217 5th Street	Baltimore, MD 21225	
8/1/2024	Lubia Portela	4012 Orchard Ave	Baltimore, MD 21225	
8/1/2024	Victoria Estep	4004 Hillcrest Ave	Baltimore, MD 21225	

8/1/2024	Brian G Brown	4113 Hillcrest Ave	Baltimore, MD 21225	
8/1/2024	Daria (or Dania) Diaz	4023 Orchard Ave	Baltimore, MD 21225	
8/1/2024	Tammy Adams	4001 Orchard Ave	Baltimore, MD 21225	
8/1/2024	Heather Bawgus	4003 Orchard Ave	Baltimore, MD 21225	
8/1/2024	Lilly Chilcoat	4007 Hillcrest Ave	Baltimore, MD 21225	
8/1/2024	Shauna Seeley	4129 5th Street	Baltimore, MD 21225	
8/1/2024	Miss Lamar	4103 Orchard Ave	Baltimore, MD 21225	
8/1/2024	Greindy Rosales	4106 Orchard Ave	Baltimore, MD 21225	
8/1/2024	Bonnie Babbs	4102 Hillcrest Ave	Baltimore, MD 21225	
8/1/2024	Kevin Hess	4110 Hillcrest Ave	Baltimore, MD 21225	
8/1/2024	Mario Hernandez	4104 Hillcrest Ave	Baltimore, MD 21225	
7/31/2024	Teodora I. Orallana	3826 6th Street	Baltimore, MD 21225	
7/31/2024	Julie Ba.	505 E. Jeffrey Street	Baltimore, MD 21225	
7/31/2024	Kennard B J Ayers (Chief Dem. E	309 Pontiac Ave	Baltimore, MD 21225	
7/31/2024	Jose O. Ortiz	309 Pontiac Ave	Baltimore, MD 21225	
7/31/2024	Regina Eckhardt	313 Pontiac Ave	Baltimore, MD 21225	
7/31/2024	Vickie Matute	3805 6th Street	Baltimore, MD 21225	
7/31/2024	Tashira Narfleet	3807 6th Street	Baltimore, MD 21225	
7/31/2024	John Heisterhagen	3813 5th Street	Baltimore, MD 21225	
7/31/2024	Donna Reed	3903 5th Street	Baltimore, MD 21225	
7/31/2024	Frederick Wanner	3621 4th Street	Baltimore, MD 21225	
7/31/2024	Elizabeth Gilmore-Wanner	3621 4th Street	Baltimore, MD 21225	
7/31/2024	Sherman Kerns	4017 Highland Street	Baltimore, MD 21225	
7/30/2024	Stacy Johnson	4011 3rd Street	Baltimore, MD 21225	
7/30/2024	Sherry Alt	3985 4th Street	Baltimore, MD 21225	
7/30/2024	Sandra Conrad	3815 3rd Street	Baltimore, MD 21225	
7/30/2024	Leila	3911 3rd Street	Baltimore, MD 21225	
7/30/2024	Kathy Christman	3808 4th Street	Baltimore, MD 21225	
7/30/2024	Lisa Bush	3810 3rd Street	Baltimore, MD 21225	
7/30/2024	Tom Young	3800 3rd Street	Baltimore, MD 21225	
7/30/2024	Adrienne Bishop	310 Washburn Ave	Baltimore, MD 21225	
7/30/2024	Laurie Anderson	304 Washburn Ave	Baltimore, MD 21225	
7/29/2024	Courtney Adams	4001 4th Street	Baltimore, MD 21225	
7/29/2024	Esteban Flores	404 Frankle Street	Baltimore, MD 21225	

7/29/2024	Brian Fiori	407 Jack Street	Baltimore, MD 21225	
7/29/2024	Debra Weigman	4013 4th Street	Baltimore, MD 21225	
7/29/2024	Aaron Mayer	405 Jack Street	Baltimore, MD 21225	
7/29/2024	Fernando Butler	116 Old Riverside Rd	Brooklyn, MD 21225	
4/7/2024 & 7/29/2024	Corinna Jones	402 Jack St	Baltimore, MD 21225	
8/4/2022	Nancy Mazan	3618 2nd St	Baltimore, MD 21225	
8/4/2022	Steven Mazan	3618 2nd St	Baltimore, MD 21225	
12/16/2023	Bruce Farrell	4000 4th St	Baltimore, MD 21225	
1/13/2023	Drew Greenblatt	2648 Merchant Dr	Baltimore, MD 21230	
7/31/2024 & 12/16/2023	Tracy Farrell	4000 4th St	Baltimore, MD 21225	
8/4/2022	Alfred (Alfie) Mazan Jr	1619 Cherry St	Baltimore, MD 21226	
7/29/2024	Mark Mazan	1055 Church St	Baltimore, MD 21225	
7/29/2024	Evva Mazan	1055 Church St	Baltimore, MD 21225	
8/4/2022	David Mazan	1619 Cherry St	Baltimore, MD 21226	
1/26/2023	Mary Hill	3909 3rd Street	Baltimore, MD 21225	
1/26/2023	Michael Shipley	3909 3rd Street	Baltimore, MD 21225	
7/29/2024	Billy Ray Mazan	4622 Curtis Ave	Baltimore, MD 21226	
7/29/2024	Mildred Mazan	4622 Curtis Ave	Baltimore, MD 21226	
7/29/2024	Victor Mazan	4622 Curtis Ave	Baltimore, MD 21226	
7/31/2024	Donald Brower	502 Jack Street	Baltimore, MD 21225	
8/1/2024 & 4/23/2024	Emily Wiseman	3610 5th st	Baltimore, MD 21225	
8/1/2024 & 4/23/2024	Ashlyn Hagan	3714 2nd St	Baltimore, MD 21225	
8/1/2024 & 4/23/2024	Trenton Hagen	3714 2nd St	Baltimore, MD 21225	
7/30/2024 & 4/14/2024	Michael Nolan	1502 Olmstead St	Baltimore, MD 21226	
7/29/2024 & 4/14/2024	Alexis Cole	529 Maude Ave	Baltimore, MD 21225	
7/29/2024 & 4/23/2024	Cindy McKnight	Stoll St	Brooklyn, MD 21225	
7/29/2024 & 4/23/2024	Ryan Dornon	3602 2nd St	Baltimore, MD 21225	
7/29/2024 & 4/14/2024	Vana Vankirk	3542 4th St	Baltimore, MD 21225	
7/29/2024 & 4/14/2024	Michael Dugger	3542 4th St	Baltimore, MD 21225	
7/29/2024 & 4/14/2024	William Dugger	3542 4th St	Baltimore, MD 21225	
7/29/2024 & 4/14/2024	Ms. Barb Hakim	3648 South Hanover	Baltimore, MD 21225	
7/30/2024 & 4/14/2024	Victor M Romero	3520 7th St	Baltimore, MD 21225	
7/30/2024 & 4/7/2024	Thurman Hall	7 W Jeffrey St	Baltimore, MD 21225	
7/30/2024 & 4/14/2024	Samala Blake	1502 Olmstead St	Baltimore, MD 21226	

7/30/2024 & 4/29/2024	Beverly Reyes	418 E Patapsco Ave	Baltimore, MD 21225	
7/30/2024 & 4/29/2024	Eric Reyes	418 E Patapsco Ave	Baltimore, MD 21225	
8/1/2024 & 4/29/2024	Paris Marie	500 E Patapsco Ave	Baltimore, MD 21225	
8/1/2024 & 4/29/2024	Cory Watts	4200 Pennington Ave	Baltimore, MD 21226	
7/31/2024	Wilton Nicolas	3905 6th Street	Baltimore, MD 21225	
7/31/2024	Rutilia Garcia	3905 6th Street	Baltimore, MD 21225	
8/4/2022	Sabrina Langrehr (sp)	4622 Curtis Ave	Baltimore, MD 21226	
7/31/2024	Sharice Marine	3802 6th Street	Baltimore, MD 21225	
7/29/2024	Michael Collins	4121 5th Street	Baltimore, MD 21225	
8/1/2024	John Mercer (mother's name is	4107 Orchard Ave	Baltimore, MD 21225	