


TJS

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 #11-0635 / REZONING - 3700 Pennington Avenue (a Portion of the Property)		

TO

DATE:

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

March 25, 2011

At its regular meeting of March 24, 2011, the Planning Commission considered City Council Bill #11-0635, for the purpose of changing the zoning for the property known as 3700 Pennington Avenue (a Portion of the Property), from the R-7 Zoning District to the M-2-1 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended amendment and approval of City Council Bill #11-0635 and adopted the following resolution, seven 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 #11-0635 be amended and passed by the City Council.

If you have any questions, please contact Mr. Wolde Ararsa, Division Chief, Land Use and Urban Design Division at 410-396-4488.

TJS/WAY/mf

Attachment

- cc: Ms. Kaliope Parthemos, Deputy Mayor
 Ms. Thomasina Hiers, Deputy Chief of Staff
 Ms. Angela Gibson, Mayor's Office
 The Honorable Bill Henry, Council Rep. to Planning Commission
 Mr. David Tanner, BMZA
 Mr. Geoffrey Veale, Zoning Administration
 Ms. Nikol Nabors-Jackson, DHCD
 Ms. Barbara Zektick, DOT
 Ms. Elena DiPietro, Law Dept.
 Ms. Karen Randle, Council Services
 Mr. Michael Sakowski, Pennington Commercial LLC



Stephanie Rawlings-Blake
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



Thomas J. Stosur
Director

March 24, 2011

REQUEST: City Council Bill 11-0635 – Rezoning – 3700 Pennington Avenue (a Portion of the Property)

For the purpose of changing the zoning of a portion of the property known as 3700 Pennington Avenue, as outlined in red on the accompanying plat, from the R-7 Zoning District to the M-2-1 Zoning District.

RECOMMENDATION: Amend and Approve

Amendments:

1. Retitle City Council Bill 11-0635 to state: Rezoning – 3700 Pennington Avenue, and Block 7267, Lot 16/24, and 1503 Sassafras Street
2. Revise Section 1 of the Bill, beginning at line 14, to state:

Sheet 97 of the Zoning District Maps is amended by changing from the M-2-1 Zoning District to the M-1-1 Zoning District the property known as 3700 Pennington Avenue, and by changing from the R-7 Zoning District to the M-1-1 Zoning District the properties known as Block 7267, Lot 16/24, and 1503 Sassafras Street, as outlined in red on the plat accompanying this Ordinance.

STAFF: Martin French

PETITIONER(S): Pennington Commercial, LLC

OWNER: Pennington Commercial, LLC

SITE/ GENERAL AREA

Site Conditions: The property which is the subject of the bill as introduced, known as 3700 or as 3700-3702 Pennington Avenue, is a consolidated property designated as Block 7267, Lot 12/13. This property measures approximately 50' by 100' and is improved with a two-story structure converted to industrial use that covers the entire lot. This property is located at the southwest corner of Pennington Avenue and Sassafras Street, and is already part of an M-2-1 Zoning District.

The property intended to be the subject of the bill lies across a 10' alley behind 3700 Pennington Avenue, and consists of two lots: the larger, known only as Block 7267, Lot 16/24 that measures approximately 135' by 100'; and the smaller, being Block 7267, Lot 14/15 also known as 1503 Sassafras Street. These lots are fenced and paved, and owned in common and used in common with 3700 Pennington Avenue.

General Area: The properties comprising Block 7267, bounded by Pennington Avenue on the east, Sassafras Street on the north, Fairhaven Avenue on the west, and Sycamore Street on the south, are all residential with the exception of the properties identified above under "Site Conditions". These properties represent the northeastern corner of a larger residential area consisting of two parts, Brooklyn to their west and Curtis Bay to their south, which is zoned R-6 and R-7. On the opposite (northern) side of Sassafras Street is an electrical substation with an array of step-down transformers that is zoned M-2-1, and on the opposite (eastern) side of Pennington Avenue is another set of electrical transformers lying at the northern end of the Curtis Bay industrial area.

HISTORY

There is no previous legislative history concerning the two vacant properties on Sassafras Street. However, 3700 Pennington Avenue is included in the Brooklyn-Curtis Bay Business Area Urban Renewal Area which covers both sides of Pennington Avenue, with the exception of the electrical transformer station opposite 3700 Pennington Avenue, from its northern end to Locust Street five blocks to the south, and all of the western side of Pennington Avenue southward to the Ferry Branch of Curtis Creek.

CONFORMITY TO PLANS

The proposed action is consistent with the City of Baltimore's Comprehensive Master Plan, LIVE EARN PLAY LEARN, Earn Goal I: Strengthen Identified Growth Sectors, Objective 1: Retain and Attract Businesses in all Growth Sectors. The business operating on the properties owned by Pennington Commercial LLC manufactures custom-made elevator cab interiors for use in newly-constructed or renovated commercial and residential high-rise buildings; this has included several notable examples within Baltimore City, but is from the strictly local viewpoint an export industry as most of the company's orders pertain to buildings outside the City. The business has experienced an increase in demand for its product and needs to expand its manufacturing facilities. The vacant lots behind 3700 Pennington Avenue are under the same ownership and available for construction of a light industrial building, provided that the lots are first rezoned for light industrial use.

ANALYSIS

As introduced, City Council Bill 11-0635 would affirm the current zoning of 3700 Pennington Avenue. The property intended to be the subject of the bill lies across a 10' alley behind 3700 Pennington Avenue, and consists of two lots: Block 7267, Lot 16/24 that measures approximately 135' by 100'; and Block 7267, Lot 14/15 also known as 1503 Sassafras Street. If amended to include these two lots, the bill would extend the boundary of the recommended M-1 Zoning District into the northern-central portion of an otherwise residential block.

Curtis Bay is an area of residences, except along its waterfront east of Pennington Avenue and Curtis Avenue. Both Curtis Avenue and Pennington Avenue serve as major truck routes benefitting industry in Fairfield, the Curtis Bay area, the Hawkins Point area south of Curtis Creek, and northern Anne Arundel County. Heavy industry and major import-export break-bulk operations line the waterfront's deep-water anchorages, and use Curtis and Pennington Avenues as access routes for incoming and outgoing freight. These same roads also demarcate the separation between heavy and port-related industry and the residential areas to the west of the industrial area.

When the area was rezoned during the last comprehensive rezoning of Baltimore City in 1971, there was a tavern at 3700 Pennington Avenue. Taverns are permitted uses in M-2 zones but not in M-1 zones. The tavern owner would not have been able to expand his tavern to include 3702 Pennington Avenue (with which it was eventually consolidated) had it been rezoned R-7 like the remainder of the block, because the Zoning Code severely limits expansion of non-conforming uses, which a tavern is in Residential zones. Hence, the M-2 zone that was appropriate across Pennington Avenue was extended to include 3700-3702 Pennington Avenue. The tavern closed in the 1990s and the building was extensively renovated by a subsequent owner to allow placement and operation of light manufacturing equipment in it. The result is that there has been a substantial change in the character of the property and its relation to the neighborhood, and the existing zoning classification is inappropriate.

Because the property being considered for rezoning is located on the south side of Sassafras Street across from an electrical substation, it is not a desirable location for infill residential development even though it is bordered by houses with residential zoning. Thus, its remaining in an R-7 Zoning District is not conducive to development of this vacant land. However, as a result of Planning Department work on "TransForm Baltimore" staff anticipate proposing a new zoning district for 3700 Pennington Avenue and these two Sassafras Street lots. The subject properties would be reclassified by the proposed new Zoning Code as "I-1", for light industrial uses. The I-1 zoning district would serve as a buffer between residential areas and more intense industrial uses. The I-1 equivalent in our current Zoning Code is M-1 zoning.

CONFORMITY TO MARYLAND CODE ARTICLE 66-B

Because Article 66-B (the Zoning article) of State law requires specific findings concerning the purpose and effect of a proposed change of zoning classification of particular property, Planning staff recommend the following findings with reference to these cited requirements:

Population changes: There has been none of significance for 40 years (1971 – 2011) in relation to general population loss throughout Baltimore City in the same period.
[2.05.(a)(2)(ii)1.]

Availability of public facilities: These have remained adequate and undiminished for 40 years (1971 – 2011), and have been augmented in the case of highways by completion of Interstate Highway 95 and its Fort McHenry Tunnels and completion of the Baltimore Beltway and Francis Scott Key Bridge over the Patapsco River in the 1970s, to which Patapsco and Pennington Avenues are feeder routes for vehicular traffic. There has been significant

investment in improved deep-water port facilities in the MIZOD area east of the subject properties by both private sector and public sector entities. [2.05.(a)(2)(ii)2.]

Present and future transportation patterns: Patapsco, Pennington, and Curtis Avenues are and are expected to remain major motor vehicle routes primarily servicing the MIZOD and non-MIZOD industrial areas to the north, east, and southeast of the three properties. In addition to handling large volumes of heavy truck traffic, these streets also serve MTA bus service (public transportation) connecting to downtown and other parts of the Baltimore metropolitan area. [2.05.(a)(2)(ii)3.]

Compatibility with existing and proposed development for the area: The predominantly residential character of the non-waterfront parts of the Brooklyn and Curtis Bay neighborhoods combined was established over 50 years ago and appears likely to remain. The industrial character of the Patapsco River littoral, which was established over 90 years ago, is unlikely to change as long as the MIZOD remains in place, and there are no changes to the mapping of the MIZOD currently proposed. The 1971 mapping of 3700 Pennington Avenue as part of a M-2 Industrial District breached the separation between the residential and industrial portions of the greater Brooklyn – Curtis Bay area, and if left unchanged would allow moderate intensity industrial uses incompatible with adjoining residential use to possibly diminish the quality of residential life in the immediate area. [2.05.(a)(2)(ii)4.]

Relation of the proposed amendment to the City's plan: The proposed amendment is consistent with the City's Comprehensive Master Plan goals of strengthening identified growth sectors and retaining and attracting businesses in all growth sectors. The proposed use of the three properties is light manufacturing business servicing the needs of regional, national, and international building construction firms, and the products that would be produced locally would be exported to other jurisdictions or countries. Because the proposed use of the three properties is also light industry, as differentiated from heavier industry such as what is allowed in M-2 Industrial Districts, the proposed amendment would also be consistent with Master Plan goals of maintaining safe, clean, and healthy neighborhoods by creating a light manufacturing buffer between the residential areas to the west and south of the three properties and the heavier industrial (M-2) areas to the east and north of the three properties. [2.05.(a)(2)(ii)6.]

A mistake in the existing zoning classification originated at the time of adoption of the Zoning Districts map in 1971, because (1) extending the M-2 Industrial Zoning District across a primary traffic route into the northeast corner of a residential neighborhood created an opportunity for inappropriate industrial uses of a portion of an otherwise completely residential block; and (2) designating the two vacant properties known as Block 7267 Lot 16/24 and 1503 Sassafras Street as residential, even though they were immediately across a side street from a M-2 Industrial District occupied there by a major electrical power substation, effectively prevented development because a more compatible light industrial use was excluded by the Zoning Code's provisions for Residential Districts. If granted, the amendment would resolve both of these issues by limiting the use of all three properties to light industrial uses, thus creating a transition from the residential neighborhood to the heavier industrial area to its north and east, while enabling development of the two vacant lots as an expansion of light industrial use of 3700 Pennington Avenue. [2.05.(a)(3)(ii)]

Therefore, Planning staff recommends amending City Council Bill 11-0635 to rezone 3700 Pennington Avenue from M-2-1 to M-1-1, and the property known as Block 7267, Lot 16/24, and 1503 Sassafras Street from R-7 to M-1-1 zoning. This amendment, if adopted, would reflect the juxtaposition of houses and industrial uses, with light industrial use of the subject properties forming a transition from the residential neighborhood west and south of the properties to the heavier industrial use area across Pennington Avenue east of the properties.

Staff notified the Brooklyn and Curtis Bay Coalition, the South Baltimore Business Alliance, Concerned Citizens for a Better Brooklyn, the Community of Curtis Bay Association, the Baltimore Development Corporation, and Councilman Edward Reisinger of this action.



Thomas J. Stosur
Director