


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 #17-0103 / REZONING 1700 WEST 41 ST STREET		

DATE: August 18, 2017

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

At its regular meeting of August 17, 2017, the Planning Commission considered City Council Bill #17-0103, for the purpose of changing the zoning for the property known as 1700 West 41st Street (Block 3575C, Lot 067), 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 approval of City Council Bill #17-0103, 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 finds, in accordance with required findings of fact and additional standards contained in Subsection 5-508 of the Zoning Code of Baltimore City, that the zoning change proposed in City Council Bill #17-0103 is appropriate, and recommends that City Council Bill #17-0103 be 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/WA

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. David Tanner, BMZA
- Mr. Geoffrey Veale, Zoning Administration
- Ms. Sharon Daboin, DHCD
- Mr. Patrick Fleming, DOT
- Ms. Elena DiPietro, Law Department
- Ms. Natawna Austin, Council Services
- Mr. Francis Burnszynski, PABC
- Ms. Caroline L. Hecker, Esq.



Catherine E. Pugh
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



Thomas J. Stosur
Director

August 17, 2017

REQUEST: City Council Bill #17-0103/ Rezoning – 1700 West 41st Street:

For the purpose of changing the zoning for the property known as 1700 West 41st Street (Block 3575C, Lot 067), as outlined in red on the accompanying plat, from the I-2 Zoning District to the I-MU Zoning District.

RECOMMENDATION: Approval

STAFF: Martin French

PETITIONERS: Councilmember Pinkett, at the request of 1700 West 41st Street LLC

OWNER: 1700 West 41st Street LLC

SITE/GENERAL AREA

Site Conditions: 1700 West 41st Street is located on the north side of the street, immediately east of where the 41st Street Bridge crosses the Jones Falls Expressway (Interstate Highway 83, or JFX). This property measures approximately 631'5" along and below the grade of 41st Street and 852'6" along the eastern edge of the northbound side of the JFX and contains approximately 10.5579 acres, and is currently improved with a one-story detached commercial building measuring approximately 240' by 580'. This site was zoned M-2-1 prior to June 5, 2017, and is now zoned I-2 (General Industrial). It is also in the designated Floodway Fringe of the Jones Falls.

General Area: This site is part of the Jones Falls Valley, location of a significant portion of Baltimore's industry in the 19th and early 20th Centuries. This is a valley with steep slopes, atop which to the east of this property is a predominantly residential area known as Medfield that was largely developed immediately after World War I. West of the site, across the interstate highway known as the JFX, is the predominantly 19th Century mill village known as Woodberry which lies in part in the valley and also climbs the slope on the western side of the valley. Further down the valley on its east side, and south of Medfield, is the predominantly residential community of Hampden, also a 19th Century mill town before its annexation to Baltimore City in 1888. As a result of a combination of de-industrialization in the mid-to-late 20th Century and repeated flooding of the Jones Falls Valley (from Storm Agnes in 1972 to more recent events) there has been much closure of original industrial structures and resulting adaptive 21st Century re-use of commercial and industrial properties left vacant after earlier businesses departed the Jones Falls Valley.

HISTORY

There are no previous legislative or Planning Commission actions regarding this site, other than its rezoning from M-2-1 to I-2 effective June 5, 2017 as part of the City-wide comprehensive rezoning that accompanied adoption of the new Zoning Code (which is Article 32 of the Baltimore City Code).

CONFORMITY TO PLANS

The proposed action is consistent with LIVE EARN PLAY LEARN, the Comprehensive Master Plan, Earn Goal 1, Objective 1: Retain and Attract Businesses in all Growth Sectors, including strategies of: Creating an industrial mixed-use zoning district, and Creating a light industrial mixed-use zoning district.

ANALYSIS

The industrial mixed-use (I-MU) zoning district having been created by the Mayor and City Council upon the recommendation of the Planning Commission, I-MU designation was applied to many places throughout Baltimore, including to properties on the south or opposite side of 41st Street on both sides of the Jones Falls immediately south of the property that is the subject of this bill. Functionally, the proposed action would enlarge an existing Industrial Mixed-Use zoning district created at the Jones Falls/ 41st Street node, by adding a large single-story former warehouse property and structure ideal for flexible business-industrial re-use and geographically separated from nearby residential communities by the combination of topography and an interstate highway.

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 provide expanded options for re-use of a property formerly used for warehousing.

The proposed zoning map amendment is needed to correct a mistake in the new (10-week old) existing zoning classification of the subject property. The property currently includes a 144,384 square foot warehouse building on approximately 10.5 acres, much of which lies below the grade of 41st Street and at the bottom of the hillside leading up to the residential community of Medfield, from which it is isolated by the steep slope. The rectangular shape and large open span of the interior of the former warehouse structure make it particularly adaptable to a combination of office-flex-commercial-industrial space uses, while its location distant from an actual interchange with the interstate highway on its west side makes its continued use solely as industrial, and particularly the heavier industrial uses covered by the new I-2 zoning classification, difficult to foresee given numerous other locations in Baltimore where heavier industrial uses are both permitted and accessible via either interstate highway or railroad freight carriers. This is a key point, because while the I-2 zoning district allows many industrial uses, it does not allow most commercial uses provided in the I-MU (Industrial Mixed-Use) district, and for a property at this location, the I-2 zoning becomes a disincentive to adaptive re-use of the existing structure built in 1954.

Given that ten weeks have elapsed since the current I-2 zoning became effective, there have been no significant population changes that would affect the subject property (or nearby, already-zoned I-MU properties on the other side of 41st Street). Adequate public facilities already serve, and will continue to serve, the property. Where adaptive re-use for purposes allowed by I-MU zoning would need augmented public facilities such as utilities, the developer would be obligated to install additional facilities as required by the City. Present and future transportation patterns relating to this property will remain unchanged for the foreseeable future, as neither the JFX nor 41st Street is proposed for any changes.

As already noted, the proposed rezoning is compatible with existing zoning in the area and with existing and proposed development in the Jones Falls Valley. The proposed rezoning furthers the City's Comprehensive Master Plan goal of retaining and attracting business in all growth sectors, by adding a large reusable structure with ample service parking and loading facilities (that are also well-removed from residential areas) to the Industrial Mixed-Use zoning district in which small and medium-sized commercial and light industrial enterprises can readily locate.

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 the Industrial Mixed-Use zoning district created expressly for that purpose.
2. **The needs of Baltimore City:** Addition of this property and its large existing readily adaptable commercial-industrial building to a zoning district which allows a wider variety of commercial and industrial uses in turn encourages a wider variety of employers to locate there, resulting in job retention and creation that can directly benefit Baltimore residents.
3. **The needs of the particular neighborhood:** This property is not in a residential neighborhood, but rather is part of a large but narrow stream valley commercial-industrial area reaching from the northern City limit southward to North Avenue. Treating the Jones Falls Valley floor as a neighborhood, this rezoning would strengthen it by expanding opportunities for new and adaptive reuse of older commercial and industrial structures in it.

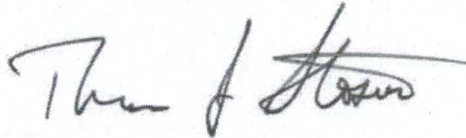
Similarly, the Land Use article requires the City Council to make findings of fact (*cf.* Md. LAND USE Code Ann. 2012, §10-304). The findings of fact include:

1. **Population changes;** There are no significant changes which have occurred since adoption of the current zoning map or Zoning Code.
2. **The availability of public facilities;** Public facilities are and are expected to remain adequate for current and future uses of the subject property.
3. **Present and future transportation patterns;** No changes are expected in transportation patterns in the immediate vicinity of the subject property.
4. **Compatibility with existing and proposed development for the area;** The rezoning would reinforce redevelopment trends in the Jones Falls Valley that have continued for several decades.
5. **The recommendations of the Planning Commission and the Board of Municipal and Zoning Appeals (BMZA);** For the above reasons, the Planning Department is recommending approval of the rezoning request to the Planning Commission. The BMZA will comment separately on this bill.
6. **The relation of the proposed amendment to the City's plan.** The proposed amendment will support the Plan goal of retaining and attracting businesses in all growth sectors by expanding the industrial mixed-use district in which a wider variety of businesses than allowed under the current I-2 zoning can locate.

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. It is the determination of Planning staff that a mistake was made in classifying the subject property I-2, and that rezoning it I-MU would be appropriate as a way to encourage and facilitate its productive reuse and employment potential.

Background: The bill's sponsor is interested in opening the half of the existing structure not already occupied by a craft brewery and its accessory taproom, and by an indoor recreational facility, to other commercial and light industrial uses. Placement of the property in the I-MU zoning district would allow for marketing of interior space to a wider variety of potential business occupants, giving opportunities for small businesses looking for a larger space to stay in Baltimore, and thus offering potential job opportunities relating to those businesses.

Notification: The Medfield Community Association and the Mill Valley Community Coalition have been notified of this action.

A handwritten signature in black ink, appearing to read "Thomas J. Stosur". The signature is fluid and cursive, with a prominent initial "T" and a long horizontal stroke at the end.

Thomas J. Stosur
Director