


FROM	NAME & TITLE	CHRIS RYER, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #20-0622 / REZONING – 1312, 1314, 1316, AND 1318 EAST FORT AVENUE		

TO

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

DATE: October 9, 2020

At its regular meeting of October 8, 2020, the Planning Commission considered City Council Bill #20-0622, for the purpose of changing the zoning for the properties known as 1312, 1314, and 1316 East Fort Avenue (Block 2018A, Lots 023, 024, and 025), as outlined in red on the accompanying plat, from the R-8 Zoning District to the C-1 Zoning District; and by changing the zoning for the property known as 1318 East Fort Avenue (Block 2018A, Lot 026), as outlined in blue on the accompanying plat, from the I-1 Zoning District to the C-1 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended approval of City Council Bill #20-0622 and adopted the following resolution nine members being present (eight in favor, with one recusal):

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, adopts the findings outlined in the staff report, with consideration for testimony and facts presented in the meeting, including a presentation of facts by the applicant and his counsel, and recommends that City Council Bill #20-0622 be passed by the City Council.

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

CR/ewt

attachment

cc: Mr. Nicholas Blendy, Mayor's Office
Mr. Matthew Stegman, Mayor's Office
Ms. Nina Themelis, Mayor's Office
The Honorable Edward Reisinger, Council Rep. to Planning Commission
Mr. Colin Tarbert, BDC
Ms. Livhu Ndou, BMZA
Mr. Geoffrey Veale, Zoning Administration
Ms. Stephanie Murdock, DHCD
Ms. Elena DiPietro, Law Dept.
Mr. Francis Burnszynski, PABC
Mr. Liam Davis, DOT
Ms. Natawna Austin, Council Services
Mr. Dominic McAlily, Council Services
Ms. Caroline Hecker, Esq.



Bernard C. "Jack" Young
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Chris Ryer
Director

October 8, 2020

REQUEST: City Council Bill #20-0622/ Rezoning – 1312, 1314, 1316, and 1318 East Fort Avenue:

For the purpose of changing the zoning for the properties known as 1312, 1314, and 1316 East Fort Avenue (Block 2018A, Lots 023, 024, and 025), as outlined in red on the accompanying plat, from the R-8 Zoning District to the C-1 Zoning District; and by changing the zoning for the property known as 1318 East Fort Avenue (Block 2018A, Lot 026), as outlined in blue on the accompanying plat, from the I-1 Zoning District to the C-1 Zoning District.

RECOMMENDATION: Approval

STAFF: Eric Tiso

PETITIONER: Littmann Realty, LLC, c/o Caroline L. Hecker, Esq.

OWNER: Multiple - see below.

SITE/GENERAL AREA

Site Conditions: 1312, 1314, 1316, and 1318 East Fort Avenue are on the northwest corner of the intersection with Lowman Street. These properties are improved with two story buildings: 1312, 1314, and 1316 East Fort Avenue are two-story rowhomes, and the corner building at 1318 East Fort Avenue is an office building for a contractor company.

General Area: These properties are located within the Locust Point Industrial Area neighborhood, which includes the predominantly industrial and commercial uses around the periphery of Locust Point. The properties are on the border with the Locust Point neighborhood, which is an enclave area within the larger Locust Point Industrial Area neighborhood, and is comprised of predominantly residential properties.

HISTORY

There are no previous legislative or Planning Commission actions regarding this site.

ANALYSIS

1318 East Fort Avenue is the office of Southway Builders, and it is currently zoned I-1 industrial. The owner of the property, Littmann Realty, LLC, has been interested in expanding the use of the building into adjacent properties, and has been working to assemble properties to do so. 1312, 1314, and 1316 East Fort Avenue are currently zoned R-8 residential. Ownership is outlined in the table on the following page:

Address	Owner	Zoning
1312 East Fort Avenue	Gabriel & Amanda Greene	R-8
1314 East Fort Avenue	Paul B. Littmann, Jr.	R-8
1316 East Fort Avenue	Fort Realty, LLC	R-8
1318 East Fort Avenue	Littmann Realty, LLC	I-1

The previous land use category for 1318 East Fort Avenue was for “Contractor and Construction Shops and Yards” which at the time was applied even if for just an office use by a contractor, and even when outdoor storage was not needed. In today’s zoning code, offices are simply offices, whether or not it’s used as an office for a contracting business or not. The outdoor storage component is now defined specifically under §1-304:

- (o) *Contractor storage yard.*
“Contractor storage yard” means land or structures used primarily for the storage of equipment, vehicles, machinery, building materials, paint, piping, or electrical components being used by the owner or occupant of the premises in the conduct of a building trade.

Since that doesn’t match the current or proposed use of the property, the applicant has requested a rezoning for the existing operation and the adjacent buildings to become C-1 commercially zoned. This change will allow for the continuation and expansion of the office use. Staff notes that 1312 East Fort Avenue is owned as a private residence, and will continue to be a private home. Staff recommended inclusion of this property so that a single R-8 property would not be left between the future C-1 properties of Littmann Realty, LLC et. al. and the I-2 industrially-zoned railway to the west.

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 for additional commercially-zoned property along East Fort Avenue, a significant spine road in this neighborhood. The proposed rezoning will also support the expansion of an existing business, and buffer residential properties from the railway to the west.

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:** These properties were zoned for I-1 light industrial and R-8 residential use. Following assembly of this land, only one property (1312) will remain as a private residence. The business at 1318 does not really fit the I-1 industrial use category, since it is in essence an office function. I-1 districts are intended to provide for a wide variety of light manufacturing, fabricating, processing, wholesale distributing, and warehousing uses (*Zoning*, §11-204). The existing has not matched the assigned land use for quite some time.
- 2. The needs of Baltimore City:** To the west, the existing railway is zoned I-2 industrial, which is intended to provide for a wide variety of general manufacturing, fabricating, processing, wholesale distributing, and warehousing uses (*Zoning*, §11-205). The proposed The C-1 district is intended for areas of commercial clusters or pedestrian-oriented corridors of commercial uses that serve the immediate neighborhood (*Zoning*, §10-201). Designation of these properties as C-1 will provide a buffer from the existing I-2 of the railway, and the adjacent residential neighborhood, and will provide for light commercial uses appropriate for the East Fort Avenue corridor.
- 3. The needs of the particular neighborhood:** This proposed commercial use will provide a logical buffer and break between the residential neighborhood and the railway, and will allow for a variety of uses in these buildings. Staff notes the slow evolution away from industrial use along this part of the East Fort Avenue corridor, in favor of commercial and mixed-use developments from McHenry Row, eastward to the recently rezoned 1301 East Fort Avenue across the street from the subject parcels. 1215 East Fort Avenue was rezoned from M-3 heavy industrial use to B-3-3 commercial zone (now C-2) in 2016. 1430-1444 Lawrence Street was rezoned from the R-8 to the B-2-4 zone (now C-2) for the Royal Farms in 2015. 900 East Fort Avenue (formerly 1421 Lawrence Street) was rezoned from M-3 to B-2-4 for the Anthem House development in 2013 (now TOD-4). Each of these shows a shift away from industrial use over time.

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;** Staff notes the recent enactment of Ord. #20-390, dated 17 Aug 2020, that rezoned 1301 East Fort Avenue, immediately south of the subject properties to R-8 residential use. The proposed plan for the redevelopment of the former PQ Group factory and warehouse buildings will include approximately 108 rowhomes.
2. **The availability of public facilities;** This area is adequately served by municipal utilities, which will not be negatively impacted by this proposed zoning change.
3. **Present and future transportation patterns;** This area is served by the City's street network, which will not be negatively impacted by this proposed zoning change.
4. **Compatibility with existing and proposed development for the area;** The C-1 zoning proposed for these properties will be compatible with the adjacent residential neighborhood, as it is by nature designed to support neighborhood-scale, walkable businesses.
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 will comment separately on this bill.
6. **The relation of the proposed amendment to the City's plan.** This change will support the overall development trend recognized in this area, which was further supported in the comprehensive rezoning of the City in 2017.

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;** One property is now used as an office, two others are easily convertible for expansion by the office. 1312 East Fort Avenue will remain a private residence, but will have expanded options for future use. 1301 East Fort Avenue across the street to the south has been recently rezoned to R-8 for redevelopment of 108 townhomes. Properties to the east and north are generally townhome neighborhoods. Beyond the railway to the west of this site is a small group of homes and a corner tavern that transitions into the industrial site of Pfefferkorn's Coffee Inc.
- (ii) **the zoning classification of other property within the general area of the property in question;** The railway on the west edge of these properties is generally a dividing line between the residential enclave of the Locust Point neighborhood to the east, and the Locust Point Industrial Area neighborhood to the west. The Locust Point neighborhood is predominantly zoned R-8, with the exceptions of Latrobe Park which is zoned OS, and the Planned Unit Development (PUD) for Tide Point, which has IMU-1 zoning and the specific requirements of its PUD. West of the railway and south of East Fort Avenue is

the commercial development of 1215 East Fort Avenue, through to McHenry Row (which are also PUDs).

(iii) the suitability of the property in question for the uses permitted under its existing zoning classification; and The existing office in 1318 East Fort Avenue doesn't match the intended use mix of the I-1 zone. While the R-8 rowhomes are certainly acceptable for residential use, they will benefit from the additional mix of uses that C-1 will provide, and once converted to commercial use, will provide a buffer for the adjacent neighborhood from the railway.

(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. As Staff notes above, the slow evolution away from industrial use along the East Fort Avenue corridor, continues in favor of commercial and especially mixed-use developments.

Per §5-508(b)(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. 1318 East Fort Avenue was used as an office before the comprehensive rezoning of the City, despite the land use records indicating that it was used as a contractor's shop and yard. This mismatch in actual use versus the City's records would have led to the application of commercial zoning instead of the I-1 it ended with. For 1312 - 1316 East Fort Avenue, they would be better for commercial uses along the busy Fort Avenue corridor, and providing the use buffer as mentioned above. For these reasons, staff recommends that the Planning Commission review adopt these facts as findings in support of the proposed rezoning.

Notification: Locust Point Civic Association is aware of this action, and has been working with the applicants towards agreement on a memorandum of understanding.



Chris Ryer
Director