

**MEMORANDUM**

To: Baltimore City Council Land Use Committee  
From: Caroline L. Hecker  
Justin A. Williams  
Cc: 1301 East Fort Avenue LLC  
Date: July 8, 2020  
Re: **CCB # 20-512 – Rezoning – 1301 East Fort Avenue  
Proposed Findings of Fact**

This firm represents 1301 East Fort Avenue LLC (the “Applicant”), at whose request Councilman Costello has introduced the above-referenced legislation to rezone the property known as 1301 East Fort Avenue (the “Property”), which was last used by PQ Corporation in connection with the production of chemical products but has been dark following a fire in January 2020. The Applicant proposes to redevelop the Property for residential use with approximately 111 townhouses.

At a meeting held on May 7, 2020, the Planning Commission considered City Council Bill # 20-512 and favorably recommended approval of the legislation to rezone the Property to from the I-1 Zoning District to the R-8 Zoning District.

As set forth below, the City Council Land Use Committee is urged to accept the Planning Commission’s recommendation that the Property should be rezoned, by adopting the findings of fact that follow.

**The Requested Rezoning May Be Approved Because There has been a Substantial Change in the Character of the Neighborhood**

Per Section 5-508(1) of the Zoning Code, 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.

As set forth below, there has been a substantial change in the character of the neighborhood as a number of industrial properties have been redeveloped for residential and commercial-mixed uses. While Locust Point’s proximity to the waterfront has long lent itself to maritime-related industrial and commercial uses and appears poised to continue to do so, the non-maritime industrial uses in the neighborhood have steadily been converted to residential and commercial mixed-uses over the past decade and since the time of the City Council’s passage of TransForm Baltimore in December 2016. The Land Use Committee should take notice of the following changes occurring within a ½-mile vicinity of the

Property (the “Neighborhood”) within the Locust Point peninsula that have represented a change in character from industrial to residential and commercial.

- The most immediate change in the character of the neighborhood is that occurring at the Property itself, with the closure of the PQ Corporation plant in January 2020. Built in 1929 and used to manufacture glass and liquor sodium silicate, the plant’s closure represents the end of the last remaining large manufacturing facilities in the Locust Point neighborhood.
- Building on prior work to demolish the former Coca-Cola and Phillips Seafood facilities at 1215 E. Fort Avenue, the second and third phases of the McHenry Development have been constructed and opened, which include a 223-unit apartment building, 85,000-SF office building, and a 126-room Courtyard by Marriott hotel.
- Pursuant to the BMZA’s approval in Appeal No. 2018-72, a former warehouse building in the Neighborhood was razed at 1401 Woodall Street and construction on a proposed 60,000-SF office building is currently underway.
- In June 2017, the Anthem House I project started leasing units to the public. A 292-unit apartment building with 20,000-SF of retail/dining space, Anthem House I was constructed on what was formerly an abandoned industrial area.
- In 2019, the Anthem House II project, a 52-unit apartment building at 1430 Lawrence Avenue, opened across the street from Anthem House I on a former principal use parking lot.
- The \$23 million ALTA 47 townhome development, which was constructed at the former Perishable Deliveries, Inc. facility, started delivering residential units for sale in late 2017.
- To demonstrate change in the character of the Neighborhood, the Land Use Committee is entitled to consider projects that are “reasonably probable of fruition in the foreseeable future.” *Jobar Corp. v. Rodgers Forge Community Ass’n*, 236 Md. 106 (1964) (citations and quotations omitted). Port Covington is within a ½ mile of the Property and the 235-acre \$5.5 billion Port Covington project to be constructed over the next few decades represent a change in the development patterns of the Neighborhood from industrial to commercial/mixed-use.

### **Required Considerations**

In making the determination that there was a substantial change in the neighborhood where the Property is located to justify the 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:

**(i) Population Change**

There has not been a significant change in population in this area since June 5, 2017, when the current Zoning Code and map became effective.

**(ii) The availability of public facilities;**

The area is well-served by public utilities & services and will remain so for the foreseeable future.

**(iii) Present and future transportation patterns;**

The rezoning of the Property should not be anticipated to adversely impact present or future transportation patterns. A rezoning of the Property may reduce potential for transportation conflicts with the Francis Scott Key Elementary/Middle School located directly across the street. Its current industrial zoning has the potential to be operated by uses that create heavy truck traffic.

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

The proposed action would allow a use that is compatible with permitted existing or other proposed uses or development in the neighborhood. Directly adjacent to the site is the Francis Scott Key Elementary/Middle School and Latrobe Park. In addition, R-8 zoning exists directly to the east and to the north.

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

The Planning Commission recommend favorable approval of the bill. The Board of Municipal and Zoning Appeals has not yet commented on this bill.

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

Replacement of the Property's existing I-1 zoning district with the R-8 zoning district is consistent with the City's Master Plan goal of providing increasing housing opportunities.

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

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

There is no predominant use throughout this section of Fort Avenue in Locust Point. The general neighborhood trends of conversions of industrial property that started at turn of the millennium with the conversion of the former Procter & Gamble manufacturing facility to the Tide Point office complex and the conversion of B&O Locust Point Grain Terminal Elevator to the Silo Point condominium building in 2009, have accelerated recently so that generally residential and commercial uses are the primary uses in the Neighborhood.

The proposed rezoning from industrial zoning is more compatible with the elementary/middle school and public park that are adjacent to the Property.

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

There is a mix of zoning classifications in close proximity. The bed of the CSX railroad abuts the Property's western border and is zoned I-2m while land associated within the port industry located to the Property's north and south are zoned MI. The McHenry Row development is located on the west side of the CSX railroad bed and is zoned C-2. A mix of open-space (OS), residential (R-8) and rowhouse mixed-use overlay (R-MU) are located to the east of the Property.

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

The conversion of nearby industrial sites over the last couple of decades have reduced the suitability of the Property for industrial use. In 2014, a \$2 million renovation was completed at the Francis Scott Key Elementary and Middle School and that same year Under Armour funding \$1.5 million of improvements to Latrobe Park. These investments are incompatible with long-term use of the Property for industrial use.

**(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 indicated in the above listing of projects that represent a substantial change in the neighborhood, the trend has been for non-maritime industrial property to be redeveloped for residential and commercial mixed-use uses. The Locust Point

Civic Association has provided a preliminary letter of support for the rezoning in recognition that there was no opposition to the rezoning to R-8 as it is compatible with the trend of development in the community.

# LOCUST POINT



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March 31, 2020

The Honorable Eric T. Costello  
Baltimore City Council  
City Hall  
100 North Holliday Street, 5<sup>th</sup> Floor  
Baltimore, MD 21202

Re: 1301 E. Fort Avenue – Rezoning  
Letter of Conditional Support

Dear Councilman Costello:

On behalf of the Locust Point Civic Association's (LPCA) Board of Directors, I am writing to submit this letter of conditional support for the developer of 1301 East Fort Avenue, 1301 East Fort Avenue, LLC, to rezone the property from the current I-1 District to an R-8 District.

The developer presented his plans at the most recent LPCA community meeting, on Wednesday, March 11, 2020, and hosted an open, informational question and answer session with residents via videoconference on Wednesday March 25, 2020. Among the 67 residents that participated in the development-specific information session, there was no opposition for the proposed zoning change to R-8, but some lingering concerns about parking, traffic and school/field improvements that still need to be worked out. However, given social distancing guidelines, we cannot convene a community meeting to resolve these issues and/or conduct a formal vote of support for the proposed zoning change or development. Therefore, we, as a board, provide this conditional letter of support based on the following:

1. The LPCA will create a task force to work with 1301 East Fort Avenue, LLC, in resolving outstanding issues with the intent of establishing a mutually-agreeable MOU with the community within the next 60-90 days;
2. 1301 East Fort Avenue, LLC has agreed that the MOU with the community will be executed prior to the enactment of the final legislation; and
3. This letter does not represent or equate to a vote of support by the LPCA membership.

We look forward to acting in good faith on next steps and will keep you up to date with our progress. Thank you in advance for your consideration



and please do not hesitate to contact me at your convenience for any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Matt Farcosky", with a large, stylized flourish at the end.

Matt Farcosky  
President, Locust Point Civic Association

cc: Mark Sapperstein, 1301 East Fort Avenue, LLC  
LPCA Board