



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 #24-0598 / REZONING – 1223-1229 ARGYLE AVENUE		

TO

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

DATE: November 8, 2024

At its regular meeting of November 8, 2024, the Planning Commission considered City Council Bill #24-0598, for the purpose of changing the zoning for the property known as 1223-1229 Argyle Avenue (Block 0413, Lot 032), as outlined in red on the accompanying plat, from the R-8 Zoning District to the I-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 #24-0598 with an alternate zoning designation of IMU-1 and adopted the following resolution, with eight members being present (eight in favor):

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, adopts the findings and equity analysis outlined in the staff report, with consideration for testimony and facts presented in the meeting, and recommends that City Council Bill #24-0598 be **amended and approved with an alternate designation of IMU-1** 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: Ms. Nina Themelis, Mayor's Office
The Honorable Eric Costello, Council Rep. to Planning Commission
Mr. Colin Tarbert, BDC
Ms. Rebecca Witt, 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



Brandon M. Scott
Mayor

PLANNING COMMISSION

Sean D. Davis, Chair; Eric Stephenson, Vice Chair

STAFF REPORT



Chris Ryer
Director

November 7, 2024

REQUEST: City Council Bill #24-0598/ Rezoning – 1223-1229 Argyle:

For the purpose of changing the zoning for the property known as 1223-1229 Argyle Avenue (Block 0413, Lot 032), as outlined in red on the accompanying plat, from the R-8 Zoning District to the I-1 Zoning District.

RECOMMENDATION: Adopt findings and Approve IMU-1 as an alternate option.

STAFF: Tarek Bolden

PETITIONER: Upton Planning Committee c/o Wanda Best

OWNER: Upton Planning Committee

SITE/GENERAL AREA

Site Conditions: 1223-1229 Argyle Avenue is located on the northeast side of the street, approximately 64' southeast of the intersection with West Lanvale Street. This property measures approximately 79'10" by 144' and is currently improved with a two-story building measuring approximately 47' by 100'. This site is zoned R-8. The last authorized use of the property was for an elementary school, which is a permitted use in this district.

General Area: This property is located in the Upton neighborhood, which is predominantly residential in character, with a wide mix of housing types in the area.

HISTORY

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

CONFORMITY TO PLANS

The property is located within the boundaries of the Historic Upton Master Plan, which dates to 2017, but is not directly addressed within the plan. A rezoning of the site would not negatively impact the plan.

ZONING CODE REQUIREMENTS

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.

ANALYSIS

Background: In 2022 the Upton Planning Committee, in partnership with the Maryland Institute College of Art (MICA), created the Natural Dye Initiative (NDI). The NDI, which is “a collaboration dedicated to the development of a natural dye ecosystem,” currently grows Indigo plants in the fields in the 1200 block of Argyle Ave (across from the site). These indigo plants sprout leaves from which the Indigo dye can be harvested that does everything from making cotton jeans blue to giving boots, sneakers, home décor, wood, and leather brilliant shades of blue hues. The NDI seeks to house the Indigo dye harvesting process in the historic Harriet Beecher Stowe School located at 1223 Argyle Ave. This activity would be considered light manufacturing and would require a rezoning.

Required Findings: 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.

The majority of the properties on the 1200 and 1300 block of Argyle Avenue are now vacant green space. The land on Argyle Avenue across from the site has been repurposed from vacant greenspace to urban agriculture uses. The operators of the Harriet Beecher Stowe Fields are working with the Department of Housing and Community Development (DHCD) to expand to the city owned vacant green properties along the 1300 block and the 1100 block of Argyle Avenue as well. The current state and future state of this corridor as a hub for urban agriculture uses is a significant change in the character of this corridor that would be supported by this proposed rezoning at 1223 Argyle Avenue.

Maryland Land Use Code – Requirements for Rezoning: The Land Use Article of the Maryland Code requires the Planning Commission and the Board of Municipal and Zoning Appeals (BMZA) 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 Code, Land Use § 10-305 (2023)). In reviewing this request, the staff finds that:

1. **The Plan:** The property is within the Historic Upton Master Plan Boundary but is not called out specifically. This rezoning would not negatively impact that plan.
2. **The needs of Baltimore City:** There is no immediate need to preserve this small footprint of R-8 zoning due to population decrease and housing development being focused in other areas within the community. The urban agricultural development along this corridor supports the shift to IMU-1 in the area.
3. **The needs of the particular neighborhood:** This area is experiencing investment through redevelopment associated with the Historic Upton Master Plan. This rezoning contributes to this continued investment by fostering economic opportunities in the community.

Similarly, the Land Use article, also adopted by Article 32 – *Zoning* §5-508(b)(2), requires the City Council to make findings of fact (MD Code, Land Use § 10-304 (2023)). The findings of fact include:

1. **Population changes;** The area saw a population decrease by almost 50% over the last 30 years. There is not a strong need to preserve additional residential land at this time.
2. **The availability of public facilities;** This area is well served by public utilities, which will continue to serve the area.
3. **Present and future transportation patterns;** Planning anticipates the proposal will have minimal impact due to increased use of the proposed property.
4. **Compatibility with existing and proposed development for the area;** The area is seeing increased residential and economic development as part of the Historic Upton Master Plan. The proposed rezoning is compatible with the economic development goals of the Historic Upton Master Plan.
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 has not yet commented on this bill.
6. **The relation of the proposed amendment to the City's plan.** The proposed Comprehensive Plan Land Use Map envisions this corridor as Predominately Mixed Use and this rezoning would be compatible with that vision.

There are additional standards under Article 32 – *Zoning* §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;** the immediate area includes an urban farm, vacant buildings, vacant greenspaces and residential housing.
- (ii) **the zoning classification of other property within the general area of the property in question;** The properties in the general area and along Argyle Avenue are zoned R-8
- (iii) **the suitability of the property in question for the uses permitted under its existing zoning classification; and** The property was purpose built as a city school, like many buildings of its era it is well positioned for adaptive reuse as many different allowed uses in IMU-1.
- (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.** During the period since the property's present classification, the area around this site has not seen much development or investment.

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 allow for further utilization and activation of the new and emerging agricultural land uses in the area. The rezoning of 1223 Argyle Avenue will support the emerging community based urban agricultural industry in this corridor by allowing for on-site light manufacturing and production that will spur economic development and employment in the area, and also provide a potential commercial tax base to the city in a formerly underutilized property.

Equity:

- Impact:
 - How might the proposal impact the surrounding community in the short or long term?
 - This proposal would allow this community to expand on a positive local economic initiative that employs and trains community residents and fosters the renovation and activation of a longstanding vacant property.
 - How would this proposal impact existing patterns of inequity that persist in Baltimore?
 - This proposal would assist in removing a long standing vacant property in the community and turn it into an neighborhood economic anchor that will not only expand the City of Baltimore's tax base but also provide employment and revenue for community residents in an underserved section of the city.
- Engagement:
 - Has the community been meaningfully engaged in discussing this proposal?
 - The primary community organization for this area is the petitioner of this application and regularly updates the community through their monthly development meeting about the progress of this application and their proposal for this site.
 - How are residents who have been historically excluded from planning processes being authentically included in the planning of the proposed policy or project?

- The Department of Planning has been engaging with the Upton Planning Committee (UPC) on this proposal and through its Community Planning and Revitalization division staff, DOP has been connected the UPC leadership to assist them through this process.
- Internal Operations:
 - This may include staff commentary regarding impact on staff time or resources devoted to a project.

Notification: The Upton Community, and the Heritage Crossing Community have been notified of this action.

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke extending to the right.

Chris Ryer
Director