

Introduced by: Councilmember McCray

At the request of: 3925 Gough Street, LLC

Address: c/o Caroline L. Hecker, Esquire, Rosenberg | Martin | Greenberg LLP, 25 South
Charles Street, 21st Floor, Baltimore, Maryland 21201

Telephone: 410-727-6600

Prepared by: Department of Legislative Reference

Date: November 25, 2019

Referred to: **LAND USE** Committee

Also referred for recommendation and report to municipal agencies listed on reverse.

CITY COUNCIL 19-0474

A BILL ENTITLED

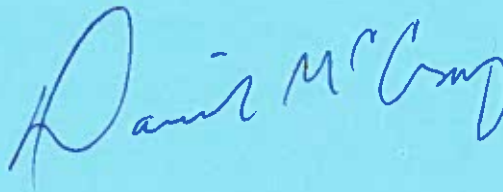
AN ORDINANCE concerning

Rezoning -- 3925 Gough Street

FOR the purpose of changing the zoning for the property known as 3925 Gough Street (Block 6311, Lot 031), as outlined in blue on the accompanying plat, from the I-1 Zoning District to the IMU-2 Zoning District.

BY amending

Article 32 - Zoning
Zoning District Map
Sheet 58
Baltimore City Revised Code
(Edition 2000)



****The introduction of an Ordinance or Resolution by Councilmembers at the request of any person, firm or organization is a courtesy extended by the Councilmembers and not an indication of their position.**

Agencies

_____	Baltimore City Public School System
_____	Baltimore Development Corporation
_____	City Solicitor
_____	Comptroller's Office
_____	Department of Audits
_____	Department of Finance
_____	Department of General Services
_____	Department of Housing and Community Development
_____	Department of Human Resources
_____	Department of Planning
_____	Other: _____
_____	Other: _____
_____	Other: _____
_____	Department of Public Works
_____	Department of Real Estate
_____	Department of Recreation and Parks
_____	Department of Transportation
_____	Fire Department
_____	Health Department
_____	Mayor's Office of Employment Development
_____	Mayor's Office of Human Services
_____	Mayor's Office of Information Technology
_____	Office of the Mayor
_____	Police Department
_____	Other: _____
_____	Other: _____
_____	Other: _____
_____	Board of Estimates
_____	Board of Ethics
_____	Board of Municipal and Zoning Appeals
_____	Comm. for Historical and Architectural Preservation
_____	Commission on Sustainability
_____	Employees' Retirement System
_____	Other: _____
_____	Other: _____
_____	Other: _____
_____	Environmental Control Board
_____	Fire & Police Employees' Retirement System
_____	Labor Commissioner
_____	Parking Authority Board
_____	Planning Commission
_____	Wage Commission
_____	Other: _____
_____	Other: _____
_____	Other: _____

Boards and Commissions

CITY OF BALTIMORE
ORDINANCE **20.382**
Council Bill 19-0474

Introduced by: Councilmember McCray
At the request of: 3925 Gough Street, LLC
Address: c/o Caroline L. Hecker, Esquire, Rosenberg | Martin | Greenberg LLP, 25 South
Charles Street, 21st Floor, Baltimore, Maryland 21201
Telephone: 410-727-6600
Introduced and read first time: December 5, 2019
Assigned to: Land Use Committee
Committee Report: Favorable
Council action: Adopted
Read second time: July 6, 2020

AN ORDINANCE CONCERNING

Rezoning – 3925 Gough Street

1
2 FOR the purpose of changing the zoning for the property known as 3925 Gough Street (Block
3 6311, Lot 031), as outlined in blue on the accompanying plat, from the I-1 Zoning District to
4 the IMU-2 Zoning District.

5 BY amending

6 Article 32 - Zoning
7 Zoning District Map
8 Sheet 58
9 Baltimore City Revised Code
10 (Edition 2000)

11 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That
12 Sheet 58 of the Zoning District Map is amended by changing from the I-1 Zoning District to the
13 IMU-2 Zoning District the property known as 3925 Gough Street (Block 6311, Lot 031), as
14 outlined in blue on the plat accompanying this Ordinance.

15 **SECTION 2. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the
16 accompanying plat and in order to give notice to the agencies that administer the City Zoning
17 Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council
18 shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat;
19 and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the
20 Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of
21 Housing and Community Development, the Supervisor of Assessments for Baltimore City, and
22 the Zoning Administrator.

23 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
24 after the date it is enacted.

EXPLANATION: CAPITALS indicate matter added to existing law.
{Brackets} indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike-out~~ indicates matter stricken from the bill by
amendment or deleted from existing law by amendment.

Council Bill 19-0474

Certified as duly passed this 13 day of July, 2020



President, Baltimore City Council

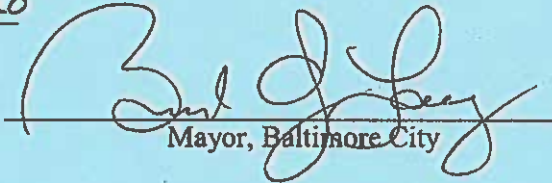
Certified as duly delivered to His Honor, the Mayor,

this 13 day of July, 2020



Chief Clerk

Approved this 16TH day of JULY, 2020



Mayor, Baltimore City

Approved for form and legal sufficiency
this 14th day of July, 2020.

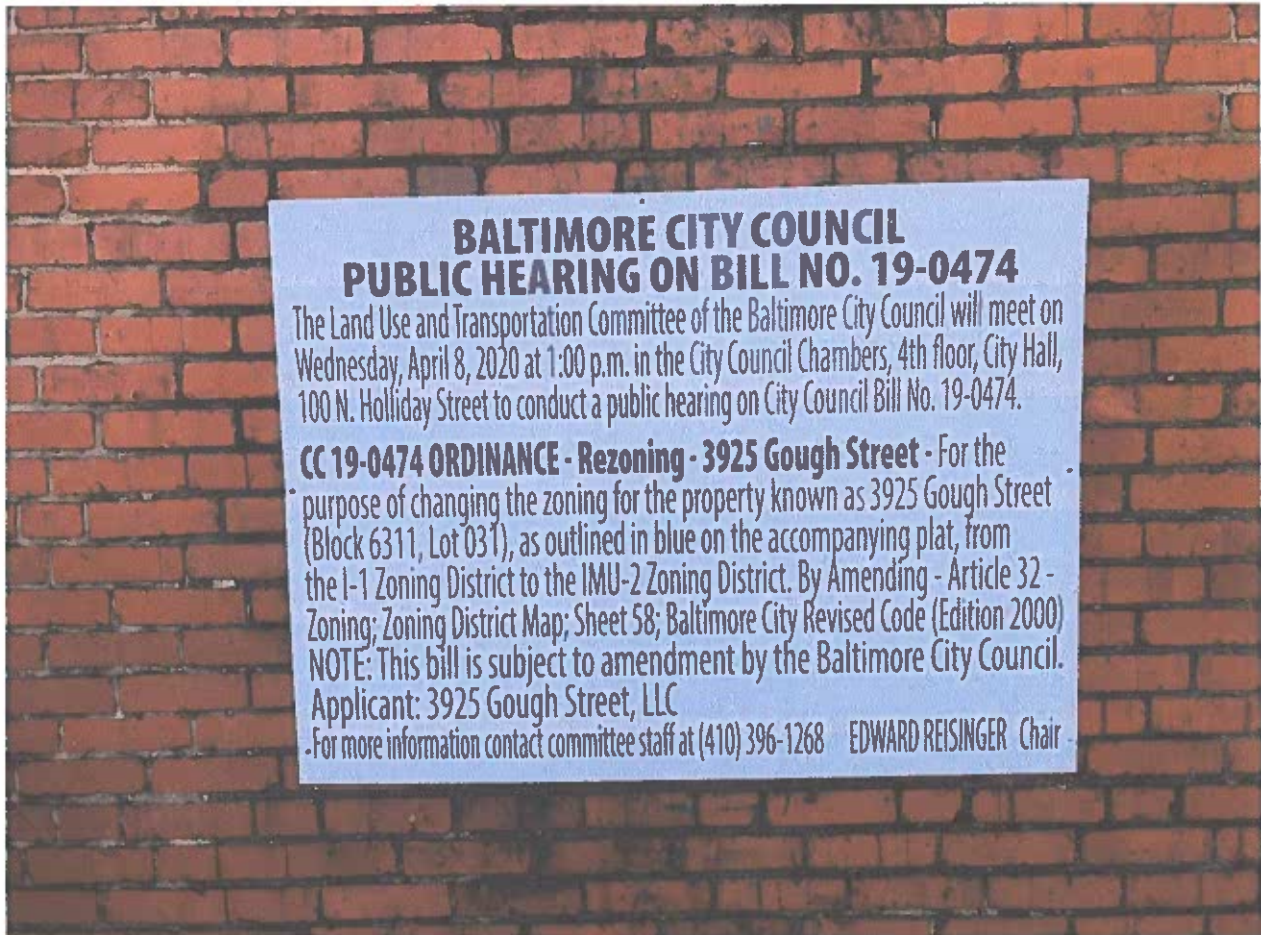


Chief Solicitor

Baltimore City Council
Certificate of Posting - Public Hearing Notice

City Council Bill No.: 19-0474

[03/08/2020]



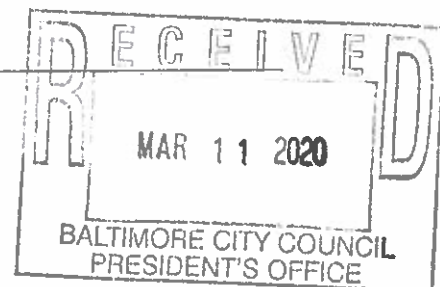
Address: 3925 Gough Street Frontage

Date Posted: 03/08/2020

Name: Martin Ogle

Address: 9912 Maidbrook Road

Telephone: 443-629-3411





1. $\frac{1}{x^2} = x^{-2}$
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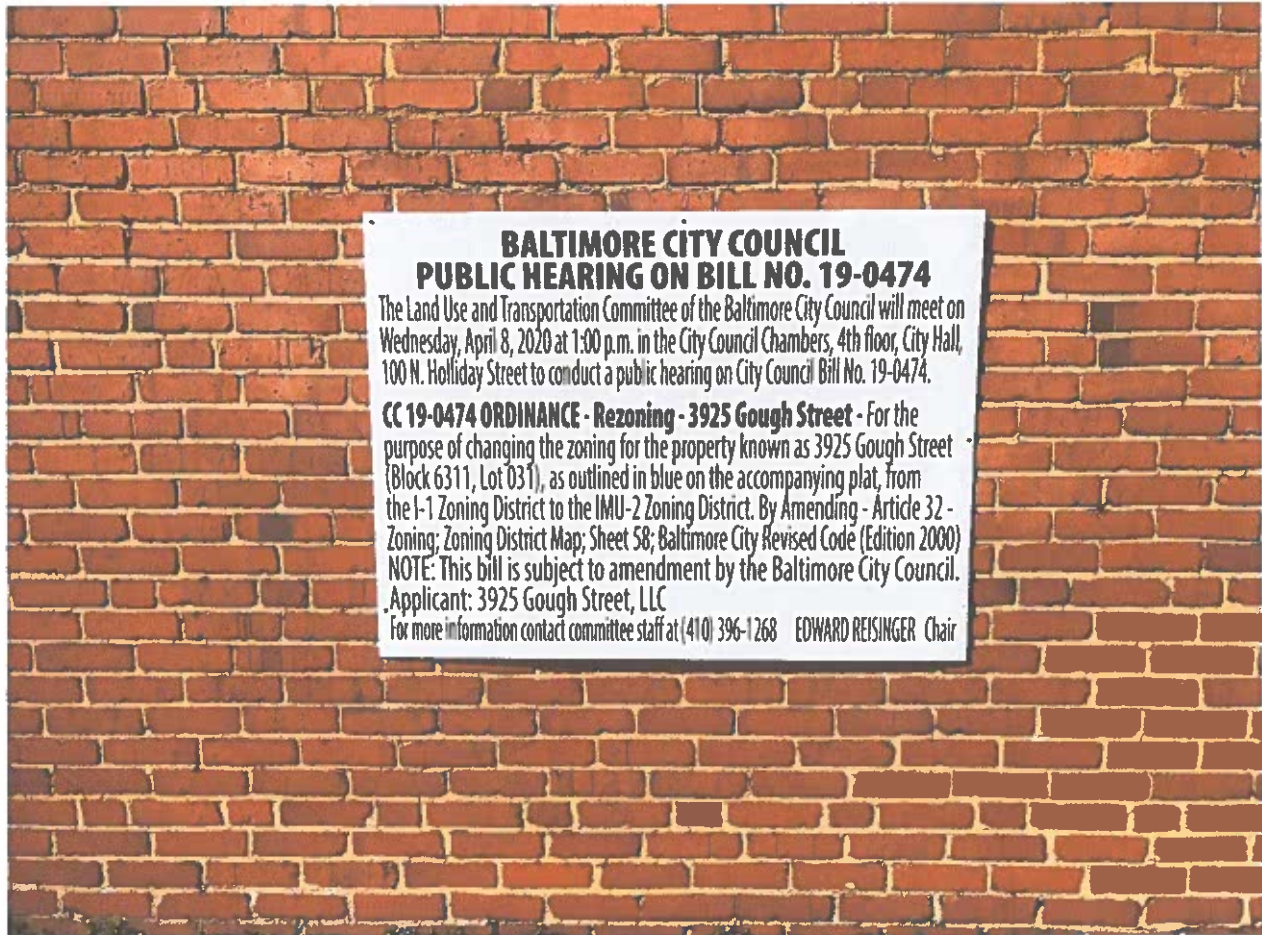
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 $= -\frac{11}{x^{12}}$

Baltimore City Council
Certificate of Posting - Public Hearing Notice

City Council Bill No.: 19-0474

[03/08/2020]



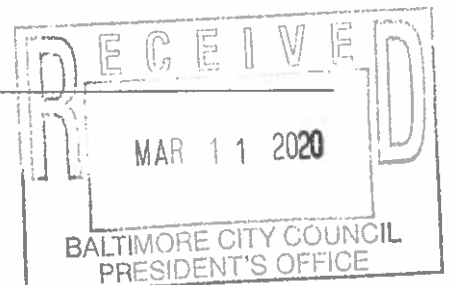
Address: Grundy Street Frontage

Date Posted: 03/08/2020

Name: Martin Ogle

Address: 9912 Maidbrook Road

Telephone: 443-629-3411



$$\frac{d}{dt} \left(\frac{1}{2} m \dot{x}^2 \right) = \dot{x} \cdot m \ddot{x} = \dot{x} \cdot F$$

$$= \dot{x} \cdot (-kx) = -kx \dot{x} = -k \frac{d}{dt} \left(\frac{1}{2} x^2 \right)$$

$$= -k \frac{d}{dt} \left(\frac{1}{2} x^2 + \frac{1}{2} \dot{x}^2 \right) = -k \frac{dE}{dt}$$



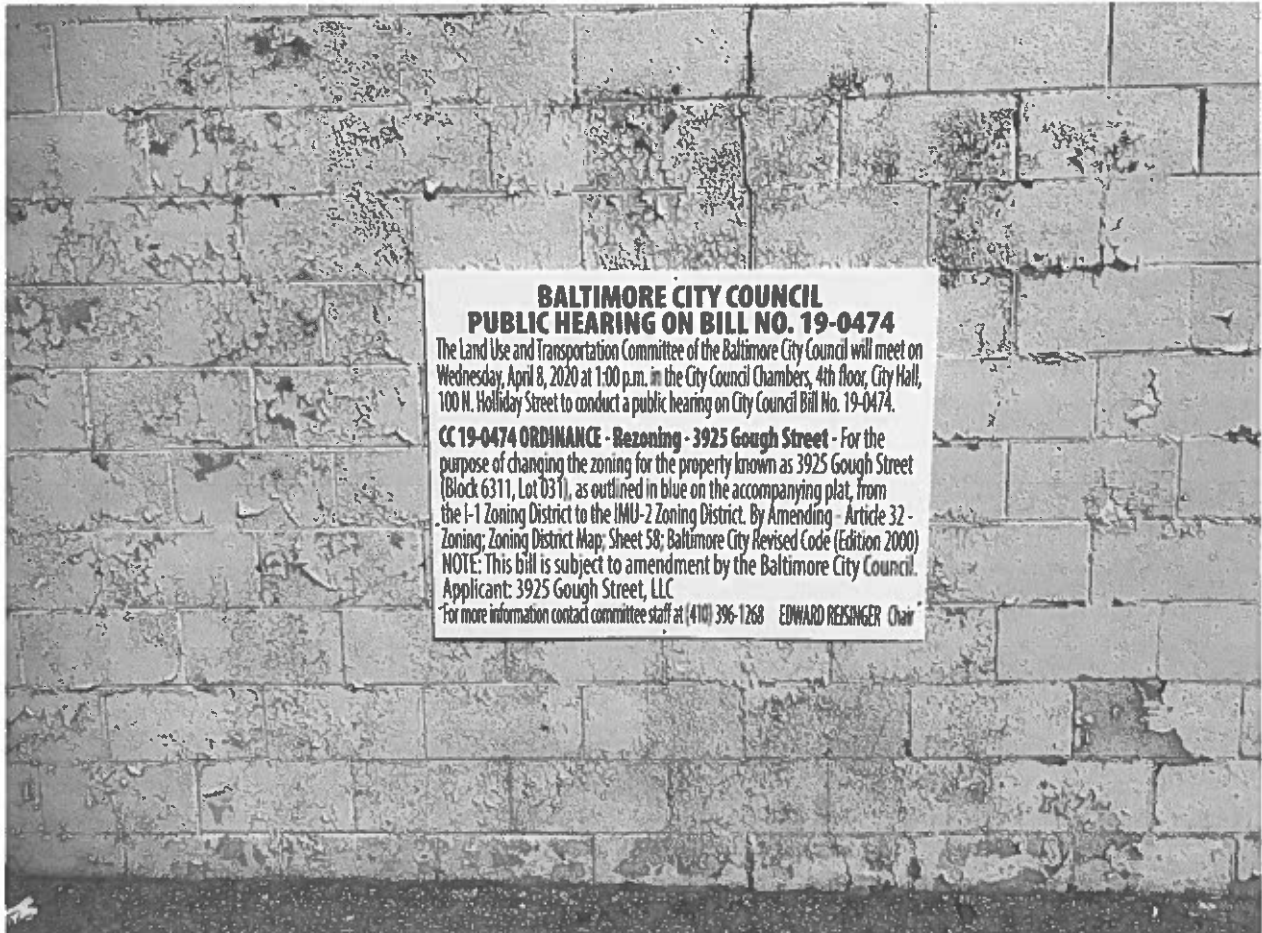
$$\frac{d}{dt} \left(\frac{1}{2} m \dot{x}^2 + \frac{1}{2} kx^2 \right) = \dot{x} \cdot m \ddot{x} + \dot{x} \cdot kx = \dot{x} \cdot F = 0$$



Baltimore City Council
Certificate of Posting - Public Hearing Notice

City Council Bill No.: 19-0474

[03/08/2020]



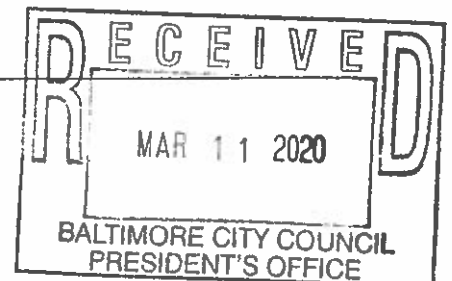
Address: Chestle PLace Frontage

Date Posted: 03/08/2020

Name: Martin Ogle

Address: 9912 Maidbrook Road


Telephone: 443-629-3411





11-11-11

11-11-11

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 #19-0474 / REZONING -- 3925 GOUGH STREET		

DATE:

TO

March 9, 2019

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

At its regular meeting of February 20, 2020, the Planning Commission considered City Council Bill #19-0474, for the purpose of changing the zoning for the property known as 3925 Gough Street, as outlined in red on the accompanying plat, from the I-1 Zoning District to the IMU-2 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended approval of City Council Bill #19-0474, and adopted the following resolution, eight members being present (eight in favor):

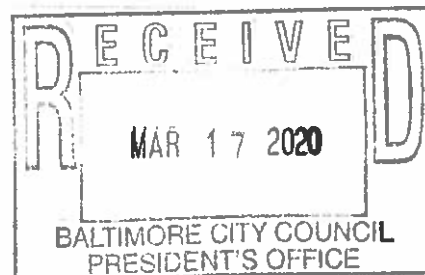
RESOLVED, That the Planning Commission concurs with the recommendation of its Departmental staff, and recommends that City Council Bill #19-0474 be passed by the City Council.

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
Mr. Derek Baumgardner, 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
Ms. Caroline Hecker, Esq.



F





Bernard C. "Jack" Young
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



*Chris Ryer
Director*

February 20, 2020

REQUEST: City Council Bill #19-0474/ Rezoning – 3925 Gough Street:

For the purpose of changing the zoning for the property known as 3925 Gough Street (Block 6311, Lot 031), as outlined in blue on the accompanying plat, from the I-1 Zoning District to the IMU-2 Zoning District.

RECOMMENDATION: Approval

STAFF: Matthew DeSantis, AICP

PETITIONERS: Councilmember McCray, at the request of 3925 Gough Street, LLC

OWNER: 3925 Gough Street, LLC

SITE/GENERAL AREA

Site Conditions: This lot is located on the southwest corner of the intersection of Gough Street and Grundy Street. It measures 200' wide along Gough Street and 145' deep along Grundy Street, comprising 29,000 square feet or approximately .66 acres. The property is currently improved with a vacant one-story industrial building.

General Area: This site is located in the Highlandtown neighborhood, which is comprised of a mixture of medium-density attached residential dwellings, neighborhood-scale commercial establishments, and light industrial uses. Directly to the north of the subject property is Highlandtown Elementary / Middle School #237, to the west are two-story attached residential dwellings, to the south is a one-story warehouse/office building, and to the east is light industrial. This property is also located within the State-designated Highlandtown Arts and Entertainment District.

HISTORY

The site is currently zoned I-1 (Light Industrial), a designation shared by the properties to the immediate south and east, and has had this zoning designation since the effective date of Transform Baltimore in 2017. Prior to this, the property was zoned M-1-2 (Light Manufacturing). The property has been vacant for at least the past several years after the previous use, an automotive repair business, vacated the property.

CONFORMITY TO PLANS

The proposed action would be consistent with the following aspects of LIVE EARN PLAY LEARN, the Comprehensive Master Plan for Baltimore City:



- Live Goal 1: Build Human and Social Capital by Strengthening Neighborhoods, Objective 2: Strategically Redevelop Vacant Properties Throughout the City.
- Earn Goal 1: Strengthen Identified Growth Sectors, Objective 1: Retain and Attract Businesses in all Growth Sectors

Additionally, the proposed action would be consistent with the following aspects of the Baltimore City Sustainability Plan:

- Neighborhoods Strategy #2: Support programs and policies to increase investments in neighborhoods

ANALYSIS

This property was rezoned from M-1-2 to I-1 during the Transform Baltimore comprehensive rezoning process in 2017. Transform Baltimore also established a new zoning district, known as IMU (Industrial Mixed Use). The purpose of this new zoning category was to encourage the reuse of older industrial buildings for light industrial uses, as well as a variety of non-industrial uses.

CCB #18-0277 (enacted via Ordinance 19-244 on April 29, 2019) was a comprehensive zoning bill introduced in effort to further modify the IMU zoning district by splitting it into an IMU-1 and IMU-2 districts, the later with the express intention of not permitting residential uses. The companion bill, CCB #18-0294 (enacted via Ordinance 19-304 on June 11, 2019), was a comprehensive zoning bill to update the zoning map in order to designate properties as IMU-1 and IMU-2. Staff's analysis concludes that this parcel should have been rezoned to IMU-2 at the time of that comprehensive rezoning and that it not being so constitutes a mistake because the City Council and Planning staff failed to take into account existing facts about the property and its suitability to be rezoned to the IMU-2 district.

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 the reuse of the property in a way compatible with the surrounding neighborhood context.

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 action would support goals contained in the Comprehensive Master Plan for Baltimore City, specifically Live Goal 1: Build Human and Social Capital by Strengthening Neighborhoods, Objective 2: Strategically Redevelop Vacant Properties Throughout the City; and Earn Goal 1: Strengthen Identified Growth Sectors, Objective 1: Retain and Attract Businesses in all Growth Sectors. It would also support Neighborhoods Strategy #2: Support programs and policies to increase investments in neighborhoods as established by the Baltimore Sustainability Plan.
2. **The needs of Baltimore City:** In addition to the permitted light industrial uses, the IMU-2 zoning district will enable a wider variety of commercial and retail uses. This wider allowance of uses will help to generate employment and investment, while at the same time, the continued prohibition on residential development will serve to buffer nearby existing industrial areas from residential encroachment.
3. **The needs of the particular neighborhood:** The zoning change will support the growing arts and entertainment economy within the Highlandtown community by allowing for additional arts and commercial uses on the property. The continued prohibition of residential uses will also support the community by continuing to ensure a residential buffer away from Haven Street, which has been and will continue to be an important commercial trucking route.

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 have not been significant population changes in Highlandtown in the interval between the adoption of the IMU-1 / IMU-2 comprehensive rezoning and associated mapping of zoning districts, and the present time.



2. **The availability of public facilities;** This site is well-served by public services and utilities, which can also support redevelopment or reuse of this site.
3. **Present and future transportation patterns;** There would be no effect upon present or future transportation patterns in the area as a result of adoption of this bill.
4. **Compatibility with existing and proposed development for the area;** The proposed zoning district is compatible with the existing and proposed development for the area, as there has been an increase in office, retail, and arts uses in the neighborhood in recent years.
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.** As noted previously, rezoning of this property to the IMU-2 zoning district would be consistent with the City's plan.

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;**
Existing uses of property within the general area of this site are a mix of residential, light industrial, and commercial.
- (ii) **the zoning classification of other property within the general area of the property in question;** IMU-2 zoning would serve as an appropriate buffer between the R-8 zoning to the north and east and the I-1 zoning to the south and west. A small portion of this site would be adjacent to existing IMU-1 zoning that is found just to the southwest of the subject property.
- (iii) **the suitability of the property in question for the uses permitted under its existing zoning classification; and,** The current I-1 zoning designation limits the property to being primarily used for industrial uses. It is possible that because of this limitation the site has been vacant for a number of years and so an expansion of permitted office and commercial uses will likely make the property more beneficial to the neighborhood.
- (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.** There have been recent and proposed developments in close proximity to this site, including the complete renovation of the property to the south (3840 Bank Street) for office use as well as a proposed multi-family apartment development nearby at 3819 Bank Street. In general, the Highlandtown neighborhood has continued to develop in a way that supports commercial, retail, and entertainment uses.

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. Planning staff consider the circumstances of the zoning of the property to be rezoned by City Council Bill 19-0474 to be reflective of a mistake in zoning classification, as the property should have been rezoned to the IMU-2 district at the time of the last comprehensive rezoning.

Notification: The Highlandtown Community Association and the Southeastern Community Development Corporation have been notified of this action (and both have submitted letters of support).

A handwritten signature in black ink, appearing to read "Chris Ryer", with a stylized, looping flourish at the end.

Chris Ryer
Director



Peters, Matthew

From: Peters, Matthew
Sent: Tuesday, February 25, 2020 1:59 PM
To: Hecker, Caroline
Cc: Austin, Natawna B.; Williams, Justin
Subject: Public Notice Instructions for Hearing on Bill 19-0474
Attachments: Public Notice Instruction 19-0474.pdf; Contacts for Signs RZ PUD.pdf; Certificate of Posting - Attachment C.DOCX; Certificate of Mailing - Written Notice.docx; Afro American; Darlene Miller - Daily Record; Michele Griesbauer - Sunpaper - Advertising

Caroline,

The Baltimore City Council Land Use Committee has scheduled a hearing on bill 19-0474 (Rezoning - 3925 Gough Street) for **April 8, 2020 at 1:00 PM**. Attached is the information you will need to post, publish, and mail public notice for the hearing. I have also attached a contact list for sign makers, newspaper contacts, and sample certifications of posting and mailing.

Feel free to contact me if you have any questions.

Thank you,

Matt



OFFICE OF COUNCIL SERVICES

Matthew L. Peters

*Legislative Services Analyst
Office of Council Services*

100 N. Holliday Street, Room 420
Baltimore, MD 21202

matthew.peters@baltimorecity.gov

Office: (410) 396-1268

Fax: (410) 545-7596

Confidentiality Notice:

This e-mail, including any attachment(s), is intended for receipt and use by the intended addressee(s), and may contain legal or other confidential and privileged information. If you are not an intended recipient of this e-mail, you are hereby notified that any unauthorized use or distribution of this e-mail is strictly prohibited, and requested to delete this communication and its attachment(s) without making any copies thereof and to contact the sender of this e-mail immediately. Nothing contained in the body and/or header of this e-mail is intended as a signature or intended to bind the addressor or any person represented by the addressor to the terms of any agreement that may be the subject of this e-mail or its attachment(s), except where such intent is expressly indicated.



CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

TO: 3925 Gough Street, LLC, c/o Caroline Hecker, Esquire

FROM: Matthew Peters, Land Use Committee Staff

Date: February 24, 2020

RE: INSTRUCTIONS FOR NOTICE OF A PUBLIC HEARING – MAP AMENDMENTS
(REZONINGS); PLANNED UNIT DEVELOPMENTS

The Land Use Committee has scheduled the following City Council Bill for a public hearing:

Bill: City Council Bill No. 19-0474

Date: Wednesday, April 8, 2020

Time: 1:00 p.m.

Place: City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street

At the expense of the applicant, notice of the public hearing must be provided in accordance with: **Article 32. Zoning § 5-601 – Map or Text Amendments; PUDs**

For helpful information about the notice requirements under Article 32 - Zoning (pages 127 – 128) see Attachment B. You are encouraged to access and review Article 32 using the web link below:

<http://ca.baltimorecity.gov/codes/Art%2032%20-%20Zoning.pdf>

Disclaimer. The City makes no claims as to the quality, completeness, accuracy, timeliness, or content of any data contained herein or on this site. All such items and materials are provided on an "as is" basis, and you are fully and solely responsible for your use of them and for any results or consequences of your use. They have been compiled from a variety of sources, including sources beyond the control of the City, and are subject to change without notice from the City. The data is subject to change as modifications and updates are complete. It is understood that the information contained in the site is being used at one's own risk. In no event shall the City or its elected/appointed officials, municipal agencies and departments, employees, agents, or volunteers be liable for any direct, indirect, special, punitive, incidental, exemplary or consequential damages arising your accessing or using the site, or otherwise arising from this site or from anything contained in or displayed on this site. Nothing contained in or displayed on this site constitutes or is intended to constitute legal advice by the City or any of its elected/appointed officials, municipal agencies and departments, employees, agents, and volunteers



Newspaper Advertisement

A notice of the public hearing must be published in one (1) newspaper of general circulation, 15 days prior to the date of the hearing.

You may choose any of the following newspapers for advertising purposes: The Daily Record, The Baltimore Sun; or the Afro-American.

Wording for Written Notice to Property Owner(s), Sign Posting and Newspaper Advertisement

The information that must be published in a newspaper advertisement, posted on a sign and mailed to the property owner appears between the double lines on the attached page (**See Attachment A**); the deadline dates are indicated in BOLD letters at the top of Attachment A.

Certification of Postings

Certification of the written notice, sign posting on the property, and publication of the newspaper advertisement, in duplicate, must be received four (4) days prior to the hearing by:

Ms. Natawna Austin, Executive Secretary
Baltimore City Council
100 N. Holliday Street, Fourth Floor, Room 409
Baltimore, MD 21202

If the required certifications are not received as specified above, the public hearing will be cancelled without notice to the applicant. The deadline dates are as follows:

Sign Posting Deadline:	March 9, 2020
Newspaper Ad Deadline:	March 24, 2020
Written Notice Deadline:	March 24, 2020
Certification Deadline:	April 3, 2020

Please note that **ALL** of these requirement **MUST** be met in order for your hearing to proceed as scheduled.

If you have any questions regarding your notice requirements please contact:

Matthew Peters, Committee Staff
Baltimore City Council
Land Use Committee
410-396-1268
Matthew.Peters@baltimorecity.gov.



Faint, illegible text scattered across the page, possibly bleed-through from the reverse side. Some faint characters like 'N', 'D', 'E', 'I', 'L', 'M', 'P', 'R', 'S', 'T', 'U', 'V', 'W', 'X', 'Y', 'Z' and numbers are visible but not readable.

ATTACHMENT A

THE INFORMATION BETWEEN THE DOUBLE LINES (SEE BELOW) MUST BE POSTED BY **MARCH 9, 2020** AND PUBLISHED **MARCH 24, 2020** AS DISCUSSED ON THE PREVIOUS PAGE AND OUTLINED ON ATTACHMENT B.

**BALTIMORE CITY COUNCIL
PUBLIC HEARING ON BILL NO. 19-0474**

The Land Use Committee of the Baltimore City Council will meet on Wednesday, April 8, 2020 at 1:00 p.m. in the City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street to conduct a public hearing on City Council Bill No. 19-0474.

CC 19-0474 ORDINANCE - Rezoning - 3925 Gough Street

For the purpose of changing the zoning for the property known as 3925 Gough Street (Block 6311, Lot 031), as outlined in blue on the accompanying plat, from the I-1 Zoning District to the IMU-2 Zoning District.

By amending
Article 32- Zoning
Zoning District Map
Sheet 58
Baltimore City Revised Code
(Edition 2000)

NOTE: This bill is subject to amendment by the Baltimore City Council.

Applicant: 3925 Gough Street, LLC

For more information, contact Committee Staff at (410) 396-1268.

EDWARD REISINGER

Chair

SEND CERTIFICATION OF PUBLICATION TO:

Baltimore City Council
c/o Natawna B. Austin
Room 409, City Hall
100 N. Holliday Street
Baltimore, MD 21202

SEND BILL FOR THIS ADVERTISEMENT TO:

3925 Gough Street, LLC,
c/o Caroline Hecker, Esquire
Rosenberg Martin Greenberg, LLP
25 South Charles Street, 21st Floor
Baltimore, MD 21201
410-727-6600



**ZONING
SUBTITLE 6 – NOTICES**

ARTICLE 32, § 5-601

§ 5-601. Map or text amendments; PUDs.

(a) Hearing required.

For a bill proposing a zoning map amendment, a zoning text amendment, or the creation or modification of a planned unit development, the City Council committee to which the bill has been referred must conduct a hearing at which:

- (1) the parties in interest and the general public will have an opportunity to be heard; and
- (2) all agency reports will be reviewed.

(b) Notice of hearing required.

Notice of the hearing must be given by each of the following methods, as applicable:

- (1) by publication in a newspaper of general circulation in the City;
- (2) for the creation or modification of a planned unit development and for a zoning map amendment, other than a comprehensive rezoning:
 - (i) by posting in a conspicuous place on the subject property; and
 - (ii) by first-class mailing of a written notice, on forms provided by the Zoning Administrator, to each person who appears on the tax records of the City as an owner of the property to be rezoned; and
- (3) for a comprehensive rezoning:
 - (i) by posting in conspicuous places within and around the perimeter of the subject area or district, as the Department of Planning designates; and
 - (ii) by first-class mailing of a written notice, on forms provided by the Zoning Administrator, to each person who appears on the tax records of the City as an owner of property within the subject area or district.

(c) Contents of notice.



The notice must include:

- (1) the date, time, place, and purpose of the public hearing;
- (2) the address of the subject property or a drawing or description of the boundaries of the area affected by the proposed rezoning; and
- (3) the name of the applicant.

(d) Number and manner of posted notices.

(1) For a zoning map amendment or the creation or modification of a planned unit development, the number and manner of posting is as follows:

- (i) for an individual property, at least 1 sign must be visible from each of the property's street frontages;
- (ii) for a comprehensive rezoning, a change in the boundaries of a zoning district, or the creation or modification of a planned unit development, at least 2 or more signs are required, as the Department of Planning designates;
- (iii) each sign must be posted at a prominent location, near the sidewalk or public right-of-way, so that it is visible to passing pedestrians and motorists;
- (iv) a window-mounted sign must be mounted inside the window glass and placed so that it is clearly visible to passing pedestrians and motorists; and
- (v) each sign must be at least 3 feet by 4 feet in size.

(2) Nothing in this subtitle prevents the voluntary posting of more notices than required by this subtitle.

(e) Timing of notices – In general.

The notice must be published, mailed, and, except as provided in subsection (f) of this section, posted:

- (1) at least 15 days before the public hearing; or
- (2) for a comprehensive rezoning, at least 30 days before the public hearing.

(f) Timing of notices – Posting for map amendment or PUDs.

For a zoning map amendment or the creation or modification of a planned unit development, the posted notice must be:



- (1) posted at least 30 days before the public hearing; and
- (2) removed within 48 hours after conclusion of the public hearing.



Baltimore City Council
Certificate of Posting - Public Hearing Notice

Today's Date: [Insert Here]

City Council Bill No.:

(Place a picture of the posted sign in the space below.)

I HEREBY CERTIFY, under penalty of perjury, that a sign was posted at:

Address:

Date Posted:

Name:

Address:

Telephone:

- Email to: Natawnab.Austin@baltimorecity.gov
- Mail to: Baltimore City Council; c/o Natawna B. Austin; Room 409, City Hall; 100 N. Holliday Street; Baltimore, MD 21202



CERTIFICATE OF MAILING
WRITTEN NOTICE TO PROPERTY OWNER(S)

City Council Bill Number:

I HEREBY CERTIFY, under penalty of perjury, that the attached* document was mailed to the following:

A. Property Owner:

B. Property Address:

or

C. _____ List of Property Owners
(Place a Check Mark Above & Attach A List of Property Owners with Addresses)

On the following date:

Mailed By:

Applicant's Name:

Applicant's Organization:

Applicant's Title:

Applicant's Address:

Applicant's Telephone Number:

**Note: Please attach a copy of the document that was mailed to the property owner(s).*



THE NOTICE OF HEARING SIGN(S) MUST BE POSTED IN ACCORDANCE WITH ARTICLE 32; SECTION 5-601 (See Attachment B), WHICH CAN ALSO BE OBTAINED FROM THE FOLLOWING WEBSITE:

<http://ca.baltimorecity.gov/codes/Art%2032%20-%20Zoning.pdf>

SIGNS MAY BE OBTAINED FROM A VENDOR OF YOUR CHOICE OR ANY OF THOSE LISTED BELOW:

RICHARD HOFFMAN
904 DELLWOOD DRIVE
BALTIMORE, MARYLAND 21047
PHONE: (443) 243-7360
E-MAIL: DICK_E@COMCAST.NET

JAMES EARL REID
LA GRANDE VISION
5517 HADDON AVENUE
BALTIMORE, MARYLAND 21207
PHONE: (443) 722-2552
E-MAIL: JamesEarlReid@aol.com or JamesEarlReid@aim.com

SIGNS BY ANTHONY
ANTHONY L. GREENE
2815 TODKILL TRACE
EDGEWOOD, MD 21040
PHONE: 443-866-8717
FAX: 410-676-5446
E-MAIL: bones_malone@comcast.net

LINDA O'KEEFE
523 PENNY LANE
HUNT VALLEY, MD 21030
PHONE: 410-666-5366
CELL: 443-604-6431
E-MAIL: LUCKYLINDA1954@YAHOO.COM

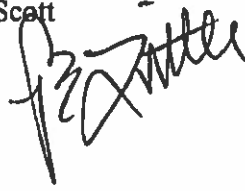
This office is not associated with any of the above drafting companies, nor do we recommend any specific one.

Disclaimer. The City makes no claims as to the quality, completeness, accuracy, timeliness, or content of any data contained herein or on this site. All such items and materials are provided on an "as is" basis, and you are fully and solely responsible for your use of them and for any results or consequences of your use. They have been compiled from a variety of sources, including sources beyond the control of the City, and are subject to change without notice from the City. The data is subject to change as modifications and updates are complete. It is understood that the information contained in the site is being used at one's own risk. In no event shall the City or its elected/appointed officials, municipal agencies and departments, employees, agents, or volunteers be liable for any direct, indirect, special, punitive, incidental, exemplary or consequential damages arising your accessing or using the site, or otherwise arising from this site or from anything contained in or displayed on this site. Nothing contained in or displayed on this site constitutes or is intended to constitute legal advice by the City or any of its elected/appointed officials, municipal agencies and departments, employees, agents, and volunteers



TRANSMITTAL MEMO

TO: Council President Brandon M. Scott
FROM: Peter Little, Executive Director
DATE: December 30, 2019
RE: City Council Bill 19-0474



PARKING
OF BALTIMORE CITY
AUTHORITY

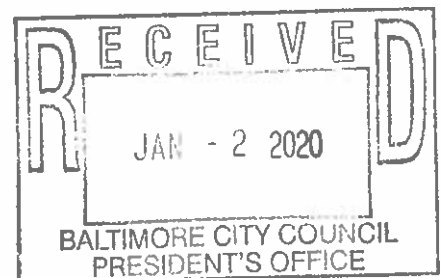
I am herein reporting on City Council Bill 19-0474 introduced by Councilmember McCray at the request of 3925 Gough Street, LLC.

The purpose of this bill is to change the zoning for the property known as 3925 Gough Street (Block 6311, Lot 031), from the Light Industrial (I-1) Zoning District to the Industrial Mixed-Use (IMU-2) Zoning District.

The Parking Authority of Baltimore City (PABC) reviewed the proposed legislation. The legislation does not explicitly address parking. Parking requirements will be based on the underlying zoning district and prescribed by the Zoning Code. The site is currently located within the I-1 Zoning District. Based on the request, the purpose of the I-MU District is intended to encourage the reuse of older industrial buildings for light industrial use, as well as a variety of non-industrial uses. There is on-street parking located around the site. This site is not located in an area where the PABC administers any on-street parking programs.

When building plans and uses are submitted, PABC will be involved through Site Plan Review Committee to ensure that parking and loading demands are adequately addressed, and that negative effects of parking and loading are mitigated.

Based on the comments above, the PABC does not oppose the passage of City Council Bill 19-0474.




Not opposed





MEMORANDUM

DATE: December 26, 2019
TO: Land Use Committee
FROM: Colin Tarbert, President and CEO 
POSITION: Support
SUBJECT: City Council Bill – 19-0474 – Rezoning – 3925 Gough Street

INTRODUCTION

The Baltimore Development Corporation (BDC) is reporting on City Council Bill 19-0474 introduced by Councilwoman McCray at the request of 3925 Gough Street, LLC.

PURPOSE

The purpose of this Bill is to change the zoning for the property known as 3925 Gough Street from the I-1 Zoning District to the IMU-2 Zoning District.

BRIEF HISTORY

This one-story masonry property was most recently used as an automotive services facility. I-1 Districts are intended to provide for a wide variety of light manufacturing, fabricating, wholesale distributing and warehousing uses, but generally do not permit commercial uses. The owner wishes to redevelop the property with a mix of commercial and industrial uses, which requires a zoning change.

FISCAL IMPACT

None

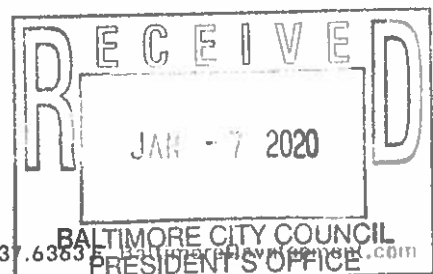
AGENCY POSITION

The Baltimore Development Corporation **supports** City Council Bill 19-0474.

If you have any questions, please do not hesitate to contact Kim Clark at kclark@baltimoredevelopment.com or at 410-837-9305.

cc: ~~Nicholas Blandy~~

[LC]





**CITY OF BALTIMORE
COUNCIL BILL 19-0474
(First Reader)**

Introduced by: Councilmember McCray

At the request of: 3925 Gough Street, LLC

Address: c/o Caroline L. Hecker, Esquire, Rosenberg | Martin | Greenberg LLP, 25 South
Charles Street, 21st Floor, Baltimore, Maryland 21201

Telephone: 410-727-6600

Introduced and read first time: December 5, 2019

Assigned to: Land Use Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning
Appeals, Planning Commission, Department of Housing and Community Development,
Baltimore Development Corporation, Department of Transportation, Baltimore City Parking
Authority Board

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Rezoning – 3925 Gough Street**

3 FOR the purpose of changing the zoning for the property known as 3925 Gough Street (Block
4 6311, Lot 031), as outlined in blue on the accompanying plat, from the I-1 Zoning District to
5 the IMU-2 Zoning District.

6 BY amending

7 Article 32 - Zoning

8 Zoning District Map

9 Sheet 58

10 Baltimore City Revised Code

11 (Edition 2000)

12 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That
13 Sheet 58 of the Zoning District Map is amended by changing from the I-1 Zoning District to the
14 IMU-2 Zoning District the property known as 3925 Gough Street (Block 6311, Lot 031), as
15 outlined in blue on the plat accompanying this Ordinance.

16 **SECTION 2. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the
17 accompanying plat and in order to give notice to the agencies that administer the City Zoning
18 Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council
19 shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat;
20 and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the
21 Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of
22 Housing and Community Development, the Supervisor of Assessments for Baltimore City, and
23 the Zoning Administrator.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

Council Bill 19-0474

1 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
2 after the date it is enacted.

INTRODUCTORY*
CITY OF BALTIMORE
COUNCIL BILL _____



Introduced by: Councilmember McCray
At the request of: 3925 Gough Street, LLC
Address: c/o Caroline L. Hecker, Esquire, Rosenberg | Martin | Greenberg LLP, 25 South
Charles Street, 21st Floor, Baltimore, Maryland 21201
Telephone: 410-727-6600

A BILL ENTITLED

AN ORDINANCE concerning

Rezoning – 3925 Gough Street

FOR the purpose of changing the zoning for the property known as 3925 Gough Street (Block 6311, Lot 031), as outlined in blue on the accompanying plat, from the I-1 Zoning District to the IMU-2 Zoning District.

BY amending

Article 32 - Zoning
Zoning District Map
Sheet 58
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Sheet 58 of the Zoning District Map is amended by changing from the I-1 Zoning District to the IMU-2 Zoning District the property known as 3925 Gough Street (Block 6311, Lot 031), as outlined in blue on the plat accompanying this Ordinance.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.



STATEMENT OF INTENT
FOR

Zoning Map Amendment of 3925 Gough Street
{Address}

1. **Applicant's Contact Information:**

Name: 3925 Gough Street, LLC c/o Caroline L. Hecker, Rosenberg Martin Greenberg, LLP

Mailing Address: 25 S. Charles Street, 21st Floor, Baltimore, MD 21201

Telephone Number: (410) 727-6600

Email Address: checker@rosenbergmartin.com

2. **All Proposed Zoning Changes for the Property:** Rezone the above-referenced property from the I-1 Zoning District to the IMU-2 Zoning District.

3. **All Intended Uses of the property:** Property is proposed to be redeveloped and occupied by a mix of commercial and industrial uses.

4. **Current Owner's Contact Information:**

Name: 3925 Gough Street, LLC c/o Kevin J. Pascale

Mailing Address: 2700 Lighthouse Point E, Suite 500
Baltimore, MD 21224

Telephone Number: _____

Email Address: kpascale@pascalestevens.com

5. **Property Acquisition:**

The property was acquired by the current owner on June 14, 2019 by deed recorded in the Land Records of Baltimore City in Liber 21175 Folio 153.

6. **Contract Contingency:**

(a) There is _____ is not X a contract contingent on the requested legislative authorization.

(b) If there is a contract contingent on the requested legislative authorization:

(i) The names and addresses of all parties on the contract are *{use additional sheet if necessary}*:

N/A

(ii) The purpose, nature and effect of the contract are: N/A



7. Agency:

(a) The applicant is ___ is not X acting as an agent for another.

(b) If the applicant is acting as an agent for another, the names of all principals on whose behalf the applicant is acting, including the names of the majority stockholders of any corporation, are as follows {use additional sheet if necessary}: N/A

AFFIDAVIT

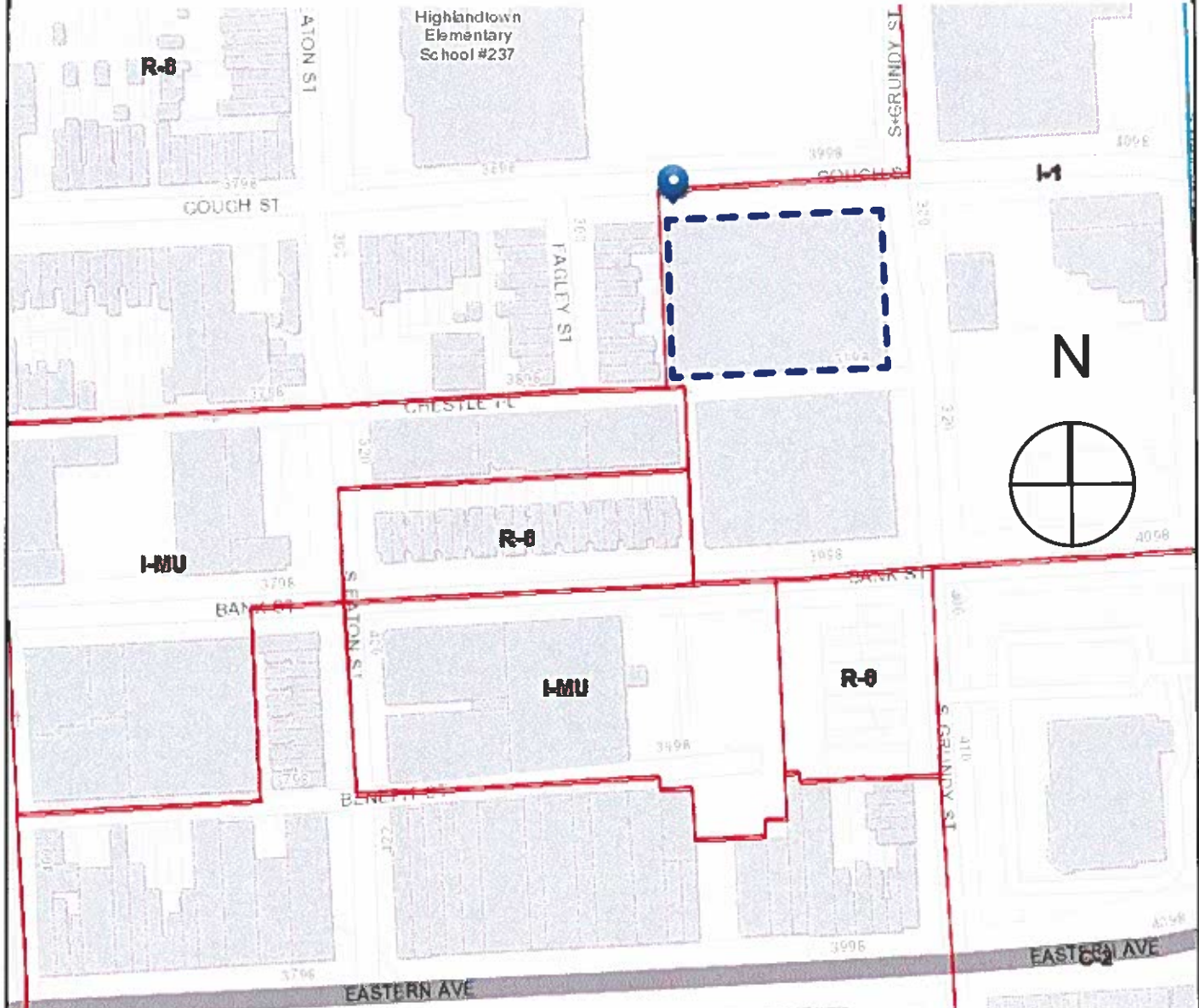
I, Caroline L. Hecker, solemnly affirm under the penalties of perjury that the information given in this Statement of Intent is true and complete to the best of my knowledge, information and belief.

Caroline L. Hecker
Caroline L. Hecker, Authorized Agent for Applicant

11/25/19
Date



SHEET NO. 58 OF THE ZONING DISTRICT MAP OF THE BALTIMORE CITY ZONING CODE



11/25/2019, 1:13 PM, F:\ArchCAD Projects\5418_Passan Gough_SDA100_SDA100 Gough street.plt, © Levin/Brown & Associates, Inc.

Plat

1" = 200'

NOTE:
 THE APPLICANT WISHES TO REQUEST THE REZONING OF THE PROPERTY
 KNOWN AS 3925 GOUGH STREET
 FROM THE I-1 ZONING DISTRICT TO THE IMU-2 ZONING DISTRICT
 AS OUTLINED IN BLUE ABOVE.



APPLICANT

3925 Gough Street, LLC, a Nevada Limited Liability Company
 c/o Caroline Hecker, Esq.
 Rosenberg Martin Greenberg, LLP
 25 S. Charles Street, Suite 21st Floor,
 Baltimore, Maryland 21201
 telephone: 410-727-6600

MAYOR

PRESIDENT CITY COUNCIL

G003



Levin/Brown
 & Associates, Inc.

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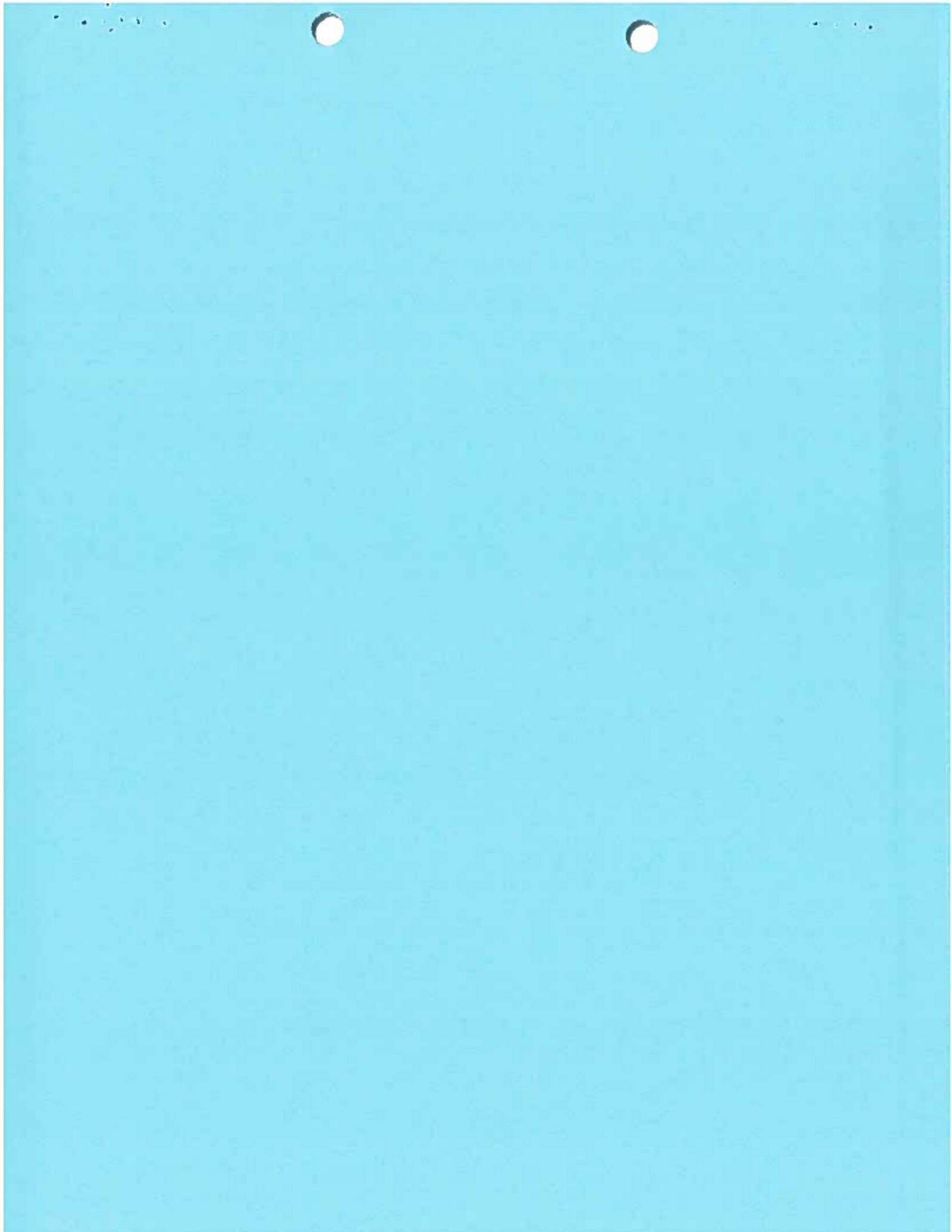
**Plan to Accompany Rezoning request for:
 3925 Gough Street, Baltimore, MD 21224**

WARD: 26; SECTION 160; BLOCK: 6311; LOT: 031

PROJECT
 NUMBER
 5418

ISSUE DATE
 11-25-19





ACTION BY THE CITY COUNCIL

FIRST READING (INTRODUCTION) _____ 20 _____

PUBLIC HEARING HELD ON _____ 20 _____

COMMITTEE REPORT AS OF _____ 20 _____

_____ FAVORABLE _____ UNFAVORABLE _____ FAVORABLE AS AMENDED _____ WITHOUT RECOMMENDATION

Chair

COMMITTEE MEMBERS:

COMMITTEE MEMBERS:

SECOND READING: The Council's action being favorable (unfavorable), this City Council bill was (was not) ordered printed for Third Reading on:

_____ 20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING _____ 20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (ENROLLED) _____ 20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (RE-ENROLLED) _____ 20 _____

WITHDRAWAL _____ 20 _____

There being no objections to the request for withdrawal, it was so ordered that this City Council Ordinance be withdrawn from the files of the City Council.

President

Chief Clerk