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| 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 #24-0591 / REZONING - 121 RIVERSIDE ROAD | | |

TO

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

DATE: October 11, 2024

At its regular meeting of October 10, 2024, the Planning Commission considered City Council Bill #24-0591, for the purpose of changing the zoning for the property known as 121 Riverside Road (Block 7027D, Lot 001), as outlined in red on the accompanying plat, from the R-6 Zoning District to the IMU-1 Zoning District; and providing for a special effective date.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended approval of City Council Bill #24-0591 and adopted the following resolution:

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 #24-0591 be **approved** 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
Ms. Natawna Austin, Council Services
Ms. Drew E. Tildon, Esq., applicant



Brandon M. Scott
Mayor

PLANNING COMMISSION

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

STAFF REPORT



Chris Ryer
Director

October 10, 2024

REQUEST: City Council Bill #24-0591 / Rezoning - 121 Riverside Road:

For the purpose of changing the zoning for the property known as 121 Riverside Road 4 (Block 7027D, Lot 001), as outlined in red on the accompanying plat, from the R-6 Zoning 5 District to the IMU-1 Zoning District; and providing for a special effective date.

RECOMMENDATION: Adopt findings and Approve

STAFF: Brandon Kanoy

PETITIONER: Baltic Avenue Enterprises, LLC c/o Drew Tildon

OWNER: Baltic Avenue Enterprises, LLC

SITE/GENERAL AREA

Site Conditions: Site is currently developed with an industrial structure which predates the current zoning designation of R-6. The site is not currently used for industrial processes, and the structure is vacant. This site is approximately 0.32 acres. The property is fully encumbered by the 1% annual chance flood zone, Zone A. Development is allowed within this special flood hazard area, pursuant to the adopted floodplain development standards of the City of Baltimore.

General Area: This site is located at the western tip of the Brooklyn neighborhood. Current development patterns show Brooklyn as a predominantly residential neighborhood, with scattered commercial and residential development. The direct surrounding area is generally residential or undeveloped, with a close proximity to Potee Street. Property to the north of the subject rezoning is undeveloped and within the City Limits of Baltimore. Property to the east is currently utilized for industrial and commercial uses. Said adjacent use has existed since before the TransForm zoning map change in 2017. Property to the west of the subject property is outside of the City Limits and currently utilized as Greenspace. Property to the south of the subject property is outside of the City Limits and developed for residential uses. The subject property is on the City Limits/County Line with Anne Arundel County.

HISTORY

Quoted from the applicant, “The Property was zoned M-2-1 until 2017. Exhibit A – 1971 Zoning Map. The district, which was designed to accommodate uses “customarily regarded as general manufacturing and industrial uses” that have “moderate nuisance characteristics associated with their operation,” was compatible with the Property’s long-standing factory use. 1971 Code Sec. 7-302. Despite the then-existing industrial building and factory operation, the Property was downzoned to R-6 in 2017 upon the enactment of the current TransForm Baltimore Zoning Code

(“TransForm”). Exhibit B – TransForm Zoning Map. The current zoning designation is intended for “primarily low density rowhouse neighborhoods.” 2 of 6 TransForm Sec. 9-202(a). Industrial uses are outright prohibited, rendering the existing building—constructed for use as a factory—useless.”

CONFORMITY TO PLANS

The subject property is contained within the Strategic Neighborhood Action Plan (SNAP) entitled Brooklyn and Curtis Bay. An area directly adjacent to the subject property on the north is specifically outlined as a Focus Area for potential development as a commercial and residential site to allow for high-quality utilization of area.

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

A change of zoning district for the subject property from R-6 to I-MU would allow for development which is highly complementary to envisioned uses in the area, as stated in applicable plans. The zoning code includes controls for uses in I-MU districts to protect residential uses. This district is designed to abut residential uses and transition to other commercial uses, or to function as a central hub for a neighborhood.

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 subject property is eligible for a zoning district change pursuant to §5-508(b)(1)(ii) of Article 32 – *Zoning*, considered as a mistake in the existing zoning classification. Given the current structure and use history of the property, a classification of I-MU is more appropriate for the property to allow for utilization of the property in a manner that compliments and enhances the existing uses in the immediate vicinity.

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 area outlined in the SNAP for Brooklyn and Curtis Bay specifically highlights nearby areas as opportunity areas for developments of the scale allowed by I-MU zoning.
2. **The needs of Baltimore City:** The proposed zoning district would align with the needs of Baltimore City to create space for diversity in housing options, especially within neighborhoods. Diversity of housing options allows for a variety of residents to live full lives and stay within their community.
3. **The needs of the particular neighborhood:** The applicant has communicated with the neighborhood and garnered support for the demolition and rezoning of the subject property. Currently, the property does not serve the needs of the community and sits vacant.

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 subject area experienced a slight decrease in population in the last 10 years by approximately 440 residents.
2. **The availability of public facilities;** Public facilities to support commercial operation are present on the site.
3. **Present and future transportation patterns;** The subject property is approximately 0.25mi from Potee Street, which is a major transportation corridor with easy access to regional highway networks.
4. **Compatibility with existing and proposed development for the area;** The requested zoning district is highly compatible with the existing and proposed uses for the area. I-

MU zoning allows for high flexibility of uses. Pursuant to §11-203(b)(2) “The IMU-1 District is generally for industrial buildings that are adjacent to existing residential buildings, typically rowhouses.” Residential development in the area is low-medium density, attached townhomes, which are highly similar in function to rowhouses.

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 zoning district change aligns with the City’s plan for development in the area, as outlined by the SNAP for Brooklyn and Curtis Bay.

There are additional standards under Article 32 – *Zoning* §5-508(b)(3) that must be considered for map amendments. These include:

1. **Existing uses of property within the general area of the property in question;** Undeveloped, greenspace, residential, commercial.
2. **The zoning classification of other property within the general area of the property in question;** R-6, I-2.
3. **The suitability of the property in question for the uses permitted under its existing zoning classification; and** The property is fundamentally unsuitable for permitted uses under the existing zoning classification. The existing structure is a single-story manufacturing building.
4. **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.** The trend of development in the area is currently moving away from the highest and best uses of the property. A change of zoning district from R-6 to I-MU would allow for a greater diversity of potential uses, and increase zoning controls over future uses.

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 high quality uses, and include additional controls under the zoning code.

Background: Quoted from the applicant, “The 13,591 sq. ft. lot is improved by a one-story building that was constructed for use by Baltimore Automatic Wire Forming Corporation (“BAWFC”) in 1964. BAWFC is a family business that was founded in 1956 in South Baltimore. While the company’s beginnings were humble—the first manufacturing facility was so small they were forced to rent small garages to store finished products—it eventually grew to be the oldest and largest manufacturer of wire handles in the United States. BAWFC president Charlie Jenkins, whose father founded the business, retired and sold the company to Marlin Steel in November of 2020, at which point operations at the 121 Riverside factory ceased.”

Equity:

- Impact: How might the proposal impact the surrounding community in the short or long term? In the short term it would impact the community by ensuring removal of a vacant manufacturing structure on the subject property. In the long term, the proposal would allow for a greater diversity of uses than is currently permitted in R-6 zoning. Greater diversity of uses allows potential developers to effectively ideate and provide the highest and best uses for the subject property. Additionally, Article 32 – Zoning §5-508(c)(1) includes controls for the distribution of various uses with the exception of residential and parking uses in I-MU districts. This extra control will ensure higher-quality development than would be mandated by a simple I-district.
- How would this proposal impact existing patterns of inequity that persist in Baltimore? The proposal would allow the property owner to effectively remove a vacant industrial structure and market the property to be redeveloped in a way that better supports the surrounding neighborhood. Diversity of housing options within a neighborhood is a vital aspect of equitable neighborhoods.
- Engagement:
 - Has the community been meaningfully engaged in discussing this proposal? The applicant conducted community outreach and garnered support from more than 100 individuals in favor of demolition of the unused industrial structure on the property and the associated zoning district change.
 - How are residents who have been historically excluded from planning processes being authentically included in the planning of the proposed policy or project?
- Internal Operations:
 - This may include staff commentary regarding impact on staff time or resources devoted to a project.

Notification: Action Baybrook (Opposed), the Concerned Citizens of a Better Brooklyn (Opposed), and Community of Curtis Bay Association have been notified of this action.



Chris Ryer
Director