

**Introduced by:** Councilmember Pinkett

**At the request of:** 1600 W 41<sup>st</sup> Street LLC

Address: c/o Caroline L. Hecker, Esquire, Rosenberg | Martin | Greenberg LLP, 25 South Charles Street, Suite 21<sup>st</sup> Floor, Baltimore, Maryland 21201  
Telephone: 410-727-6600

**Prepared by:** Department of Legislative Reference

**Date:** October 22, 2018

**Referred to:** LAND USE AND TRANSPORTATION Committee

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

CITY COUNCIL 18-0300

A BILL ENTITLED

AN ORDINANCE concerning

**Rezoning – 1600 West 41<sup>st</sup> Street and Block 3575C, Lot 374**

FOR the purpose of changing the zoning for the property known as 1600 West 41<sup>st</sup> Street (Block 3575C, Lot 198A), as outlined in red on the accompanying plat, from the I-2 Zoning District to the I-MU Zoning District, and for the property known as Block 3575C, Lot 374, as outlined in blue on the accompanying plat, from the R-6 Zoning District to the I-MU Zoning District.

BY amending

Article 32 - Zoning  
Zoning District Map  
Sheet 24  
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**

- |   |   |
|---|---|
| <input type="checkbox"/> Department of Public Works               | <input type="checkbox"/> Baltimore City Public School System                        |
| <input type="checkbox"/> Department of Real Estate                | <input checked="" type="checkbox"/> Baltimore Development Corporation               |
| <input type="checkbox"/> Department of Recreation and Parks       | <input checked="" type="checkbox"/> City Solicitor                                  |
| <input checked="" type="checkbox"/> Department of Transportation  | <input type="checkbox"/> Comptroller's Office                                       |
| <input type="checkbox"/> Fire Department                          | <input type="checkbox"/> Department of Audits                                       |
| <input type="checkbox"/> Health Department                        | <input type="checkbox"/> Department of Finance                                      |
| <input type="checkbox"/> Mayor's Office of Employment Development | <input type="checkbox"/> Department of General Services                             |
| <input type="checkbox"/> Mayor's Office of Human Services         | <input checked="" type="checkbox"/> Department of Housing and Community Development |
| <input type="checkbox"/> Mayor's Office of Information Technology | <input type="checkbox"/> Department of Human Resources                              |
| <input type="checkbox"/> Office of the Mayor                      | <input type="checkbox"/> Department of Planning                                     |
| <input type="checkbox"/> Police Department                        | <input type="checkbox"/> Other: _____   |
| <input type="checkbox"/> Other: _____                             | <input type="checkbox"/> Other: _____   |
| <input type="checkbox"/> Other: _____                             | <input type="checkbox"/> Other: _____   |

**Boards and Commissions**

- |   |  |
|---|--|
| <input type="checkbox"/> Environmental Control Board                | <input type="checkbox"/> Board of Estimates                                  |
| <input type="checkbox"/> Fire & Police Employees' Retirement System | <input type="checkbox"/> Board of Ethics                                     |
| <input type="checkbox"/> Labor Commissioner                         | <input checked="" type="checkbox"/> Board of Municipal and Zoning Appeals    |
| <input checked="" type="checkbox"/> Parking Authority Board         | <input type="checkbox"/> Comm. for Historical and Architectural Preservation |
| <input checked="" type="checkbox"/> Planning Commission             | <input type="checkbox"/> Commission on Sustainability                        |
| <input type="checkbox"/> Wage Commission                            | <input type="checkbox"/> Employees' Retirement System                        |
| <input type="checkbox"/> Other: _____                               | <input type="checkbox"/> Other: _____  |
| <input type="checkbox"/> Other: _____                               | <input type="checkbox"/> Other: _____  |
| <input type="checkbox"/> Other: _____                               | <input type="checkbox"/> Other: _____  |

CITY OF BALTIMORE  
ORDINANCE **19-228**  
Council Bill 18-0300

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Introduced by: Councilmember Pinkett

At the request of: 1600 W 41<sup>st</sup> Street LLC

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

Telephone: 410-727-6600

Introduced and read first time: October 29, 2018

Assigned to: Land Use and Transportation Committee

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Committee Report: Favorable

Council action: Adopted

Read second time: January 28, 2019

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AN ORDINANCE CONCERNING

1                    **Rezoning – 1600 West 41<sup>st</sup> Street and Block 3575C, Lot 374**

2        FOR the purpose of changing the zoning for the property known as 1600 West 41<sup>st</sup> Street (Block  
3        3575C, Lot 198A), as outlined in red on the accompanying plat, from the I-2 Zoning District  
4        to the I-MU Zoning District, and for the property known as Block 3575C, Lot 374, as  
5        outlined in blue on the accompanying plat, from the R-6 Zoning District to the I-MU Zoning  
6        District.

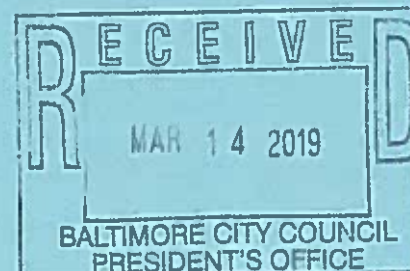
7        BY amending

8        Article 32 - Zoning  
9        Zoning District Map  
10       Sheet 24  
11       Baltimore City Revised Code  
12       (Edition 2000)

13       **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That  
14       Sheet 24 of the Zoning District Map is amended by changing from the I-2 Zoning District to the  
15       I-MU Zoning District the property known as 1600 West 41<sup>st</sup> Street (Block 3575C, Lot 198A), as  
16       outlined in red on the plat accompanying this Ordinance and by changing from the R-6 Zoning  
17       District to the I-MU Zoning District the property known as Block 3575C, Lot 374, as outlined in  
18       blue on the plat accompanying this Ordinance.

19       **SECTION 2. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the  
20       accompanying plat and in order to give notice to the agencies that administer the City Zoning  
21       Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council  
22       shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat;

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.

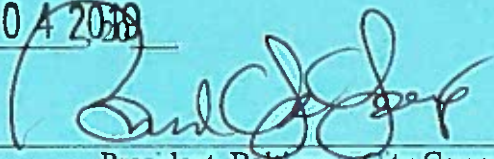


Council Bill 18-0300

1 and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the  
2 Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of  
3 Housing and Community Development, the Supervisor of Assessments for Baltimore City, and  
4 the Zoning Administrator.

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

Certified as duly passed this \_\_\_\_\_ day of FEB 04 2019

  
\_\_\_\_\_  
President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

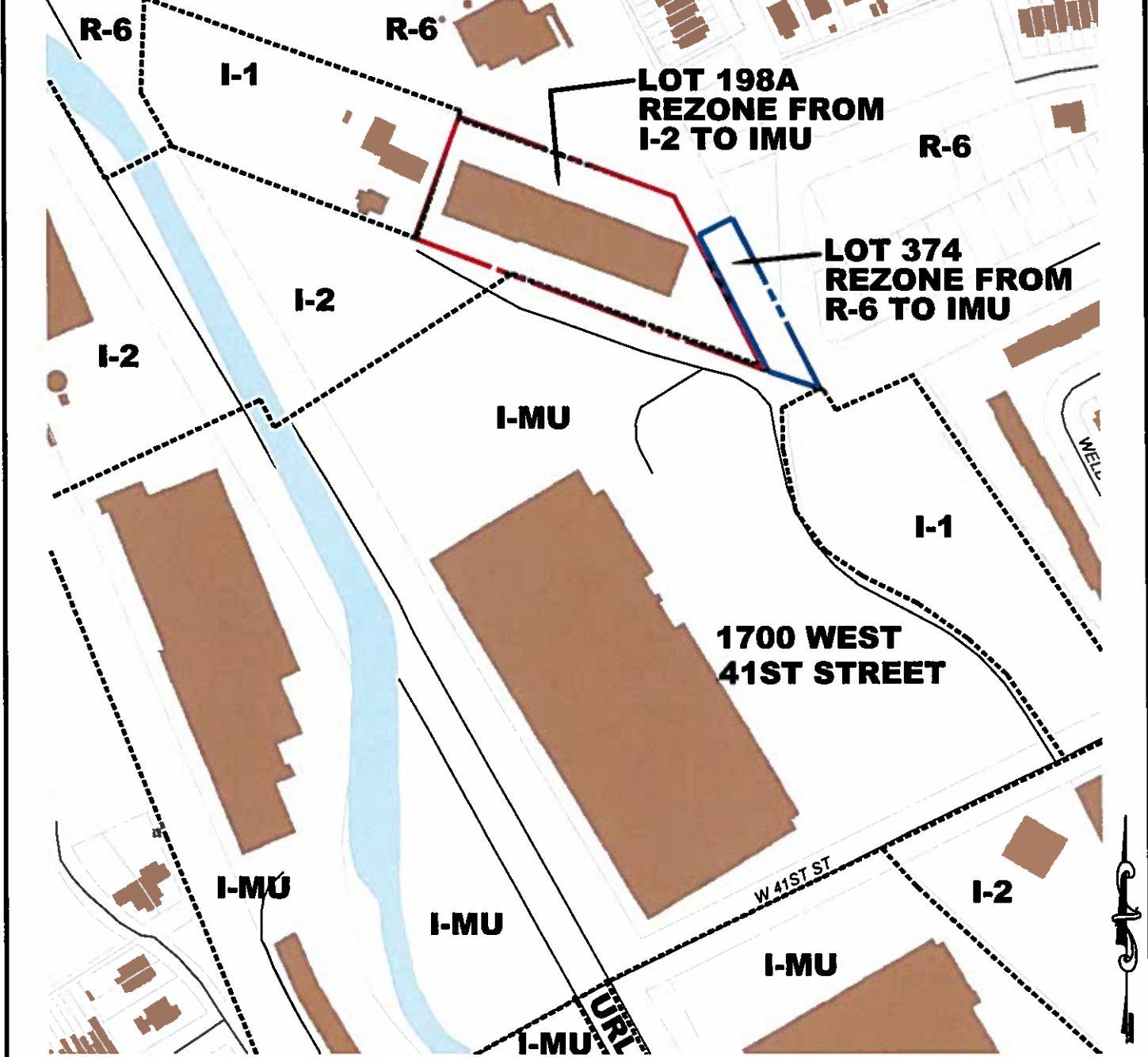
this \_\_\_\_\_ day of FEB 04 2019

  
\_\_\_\_\_  
Chief Clerk

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Mayor, Baltimore City  
Pursuant to City Charter, Article  
IV, Section 5(C), this bill became  
law on March 11, 2019, without  
the Mayor's Signature.

SHEET NO. 24 OF THE ZONING DISTRICT MAPS OF THE BALTIMORE CITY ZONING CODE



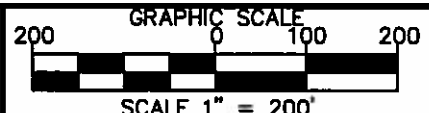
1600 West 41st Street  
 Ward 13 Section 15  
 Block 3575-C Lot 198A & 374  
 City of Baltimore, Maryland

Plan Prepared By:  
 Gower Thompson Inc.  
 P.O. Box 19059  
 Towson, MD 21284  
 410-532-0101 gowerthomp@aol.com

Applicant: 1600 West 41st Street LLC  
 301 W. 29th Street, Suite 2002  
 Baltimore, Maryland 21211  
 Evan Morville (443-692-9945)  
 emorville@seawalldevelopment.com

Area outlined in red to be rezoned from the I-2 District to the IMU District, and area outlined in blue to be rezoned from the R-6 District to the IMU District

October 10, 2018



Mayor  
  
 President City Council



# LAND USE AND TRANSPORTATION COMMITTEE

## FINDINGS OF FACT

MOTION OF THE CHAIR OF THE LAND USE AND TRANSPORTATION COMMITTEE, AFTER A PUBLIC HEARING AT WHICH AGENCY REPORTS AND PUBLIC TESTIMONY WERE CONSIDERED, AND PURSUANT TO SECTIONS 10-304 AND 10-305 OF THE MARYLAND LAND USE ARTICLE AND SECTION 5-508 OF THE BALTIMORE CITY CODE, THE CITY COUNCIL ADOPTS THESE FINDINGS OF FACT CONCERNING THE REZONING OF:

**CITY COUNCIL BILL NO: 18-0300**  
**REZONING - 1600 WEST 41ST STREET AND BLOCK 3575C, LOT 374**

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, Section §10-305). In reviewing this request, the staff finds that:

1. **The Plan:** The proposed rezoning would support the Plan's goal of retaining and attracting businesses in growth sectors by expanding the Industrial Mixed-Use zoning district created expressly for that purpose.
2. **The needs of Baltimore City:** Addition of these two properties and its existing readily adaptable commercial-industrial building to a zoning district which allows a wider variety of commercial and industrial uses in turn encourages a wider variety of employers to locate there, resulting in job retention and creation that can directly benefit Baltimore residents.
3. **The needs of the particular neighborhood:** This site is not in a residential neighborhood, but rather is part of a large but narrow stream valley commercial-industrial area reaching from the northern City limit southward to North Avenue. Treating the Jones Falls valley floor as a neighborhood, this rezoning would strengthen it by expanding opportunities for new and adaptive reuse of older commercial and industrial structures in it.

Upon finding as follows with regard to:

- (1) Population changes;

**ADOPTED**

There are no significant changes which have occurred since adoption of the current zoning map or Zoning code.

- (2) The availability of public facilities;



1. 1.



Public facilities are and are expected to remain adequate for current and future uses of the subject property.

(3) Present and future transportation patterns;

No changes are expected in transportation patterns in the immediate vicinity of the subject property.

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

The rezoning would reinforce redevelopment trends in the Jones Falls Valley that have continued for several decades.

(5) The recommendations of the City agencies and officials, including the Baltimore City Planning Commission and the Board of Municipal and Zoning Appeals;

For the above reasons, the Planning Department is recommending approval of the rezoning request to the Planning Commission. The BMZA will comment separately on this bill.

Agency reports are as follows:

- The Planning Commission – In its consideration of this bill, the Planning Commission reviewed the attached staff report which recommended approval of City Council Bill #18-0300 and adopted the following resolution, seven members being present (seven in favor):

RESOLVED, That the Planning Commission concurs with the recommendations of its Departmental staff, and recommends that City council Bill 18-0300 be passed by the City Council.

- Board of Municipal Zoning Appeals (BMZA) — BMZA has reviewed the legislation and recommends approval of Bill 18-0300.
- Law Department - Assuming the required findings are made at the hearing and that all procedural requirements are satisfied, the Law Department can approve the bill for form and legal sufficiency.
- Department of Transportation - W 41<sup>st</sup> has an existing buffered bike lane between Buena Vista Avenue and Druid Park Drive as is identified in the 2015 Bike master Plan as a Main Route (bike lane, buffered bike lane, cycle track). Future development will impact the Department of Transportation when/if signals, signs, markings, et cetera are added and/or traffic flow conversion may be needed.



Additional resources will be needed to maintain new or altered transportation infrastructure in response to development facilitated by the zoning change. This bill would establish consistency in the zoning for the small low area east of I-83 and north of 41<sup>st</sup> Street. Any increase in transportation trips generated due to the zoning change is not expected to be significant. The Department of Transportation has no objection to City Council Bill 18-0300.

- The Department of Housing and Community Development (DHCD) – If enacted, this bill will correct a mistake in the existing zoning classification not the subject property and change the zoning to I-MU. Doing so will allow for more commercial uses and incentive adaptive re-use of the existing structures. DHCD supports the passage of City Council Bill 18-0300.
- Parking Authority of Baltimore City – The legislation does not explicitly address parking. This site is not located where the Parking Authority administers any on-street parking programs. As building plans and uses for the property become more defined, the Parking Authority will be involved through Site Plan Review and Planning Commission hearings to ensure that parking demand is adequately addressed and negative effects to parking because of development on this site are mitigated. Based on the above comments, the PABC does not oppose the passage of City Council Bill 18-0300.
- Baltimore Development Corporation (BDC) – If passed, this Bill will assist with the reuse of a large vacant parcel and development of office space and other compatible commercial uses. The resulting development will also complement the adaptive reuse development at Union Collective, and serve as a transition between other industrial uses in the area and the adjacent residential neighborhood. BDC respectfully requests that favorable consideration is given to City council bill No. 18-0300.

(6) The proposed amendment's relationship to and consistency with the City's Comprehensive Master Plan.

The proposed amendment will support the Plan goal of retaining and attracting businesses in all growth sectors by expanding the industrial mixed-use district in which a wider variety of businesses than allowed under the current I-2 zoning can locate.

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



Industrial mixed use (combinations of light industrial and commercial use) predominate in the Jones Falls valley floor area nearest this site.

- (8) The zoning classification of other property within the general area of the property in question;

To the south of this site lies 1700 West 41<sup>st</sup> Street, recently rezoned I-MU. To the west of this site is a medium-size industrial property zoned I-1. To the north and east of this site and overlooking it is the Medfield community, zoned R-6.

- (9) The suitability of the property in question for the uses permitted under its existing zoning classification;

The site is functionally obsolete in relation to many modern heavy industrial uses; access to it for purposes of delivery of raw materials or export of products requires passage of heavy motor vehicles through residential areas; and it is not served by rail or high-speed interstate roads needed for transportation of finished products.

- (10) 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 classification;

While there has not yet been a change in use of this site in the past 17 months, successful re-use of an adjoining property that was rezoned to I-MU has demonstrated viability of the proposed action in relation to this site.

- (11) For a rezoning based on a SUBSTANTIAL CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD, the following facts establish the substantial change since the time of the last comprehensive rezoning:

- (12) For a rezoning based on a MISTAKE in the existing zoning classification, the following facts establish that at the time of the last comprehensive zoning the Council failed to consider then existing facts, or projects or trends which were reasonably foreseeable and/or that events occurring subsequent to the comprehensive zoning have proven that the Council's initial premises were incorrect:

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. It is the determination of Planning staff that a mistake was made in classifying this site I-2 and R-6, and that rezoning it to I-MU would be



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appropriate as a way to encourage and facilitate productive reuse and employment potential.

SOURCE OF FINDINGS (Check all that apply):

[ X ] Planning Report - The findings listed above have been transferred from the Department of Planning's report dated November 29, 2018

[ X ] Testimony presented at the Committee hearing

Oral – Witness Name:


- Mr. Martin French, Department of Planning
- Mr. Tyrell Dixon, Department of Housing and Community Development
- Mr. Derek Baumgardner, Board of Municipal Zoning Appeals
- Mr. Michael Castagnola, Department of Transportation
- Ms. Elena DiPietro, Department of Law
- Mr. Laura Bianca Pruitt, Parking Authority of Baltimore City
- Ms. David Garza, Baltimore Development Corporation
- Ms. Caroline Hecker, Esquire, Representative for the Applicant

Written:

- Planning Commission, Agency Report – Dated: 11/30/2018
- Department of Planning Staff Report – Dated: 11/29/2018
- Department of Transportation, Agency Report – Dated: 01/4/19
- Board of Municipal Zoning Appeals, Agency Report – Dated: 1/22/2019
- Law Department, Agency Report – Dated: 1/17/19
- Parking Authority of Baltimore City, Agency Report – Dated: 12/3/2018
- Department of Housing and Community Development, Agency Report – Dated: 1/18/2019
- Baltimore Development Corporation, Agency Report – Dated: 11/15/18

**LAND USE AND TRANSPORTATION COMMITTEE:**

  
\_\_\_\_\_  
Chairman

  
\_\_\_\_\_  
Member

  
\_\_\_\_\_  
Member

  
\_\_\_\_\_  
Member

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Member

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Member



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**Member**

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**Member**



**BALTIMORE CITY COUNCIL  
LAND USE AND TRANSPORTATION  
VOTING RECORD**

DATE: January 23, 2019

BILL#: 18-0300

BILL TITLE: Rezoning - 1600 West 41st Street and Block 3575C, Lot 374

MOTION BY: Pinkett      SECONDED BY: Clarke

FAVORABLE

FAVORABLE WITH AMENDMENTS

UNFAVORABLE

WITHOUT RECOMMENDATION

NAME	YEAS	NAYS	ABSENT	ABSTAIN
Reisinger, Edward, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Middleton, Sharon, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Clarke, Mary Pat	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Costello, Eric	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dorsey, Ryan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pinkett, Leon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stokes, Robert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>TOTALS</b>	<u>7</u>			

CHAIRPERSON: Edward Reisinger

COMMITTEE STAFF: Jennifer L. Coates, Initials: JLC



# The Daily Record

11 East Saratoga Street  
Baltimore, MD 21202-2199  
(443) 524-8100  
<http://www.thedailyrecord.com>

Order #: 11665080  
Case #:  
Description:

BALTIMORE CITY COUNCIL PUBLIC HEARING ON BILL NO. 18-0300

## PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in The Daily Record, a daily newspaper published in the State of Maryland 1 times on the following dates:

12/20/2018

Darlene Miller, Public Notice Coordinator  
(Representative Signature)

### BALTIMORE CITY COUNCIL PUBLIC HEARING ON BILL NO. 18-0300

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, January 23, 2019 at 1:05 p.m. in the City Council Chambers, 11th floor, City Hall, 100 N. Holliday Street to conduct a public hearing on City Council Bill No. 18-0300.

**CC 18-0300 ORDINANCE - Rezoning - 1600 West 41st Street and Block 3675C, Lot 374**

FOR the purpose of changing the zoning for the property known as 1600 West 41st Street (Block 3675C, Lot 198A), as outlined in red on the accompanying plat, from the R-2 Zoning District to the 1-MU Zoning District, and for the property known as Block 3675C, Lot 374, as outlined in blue on the accompanying plat, from the R-6 Zoning District to the 1-MU Zoning District.

BY amending

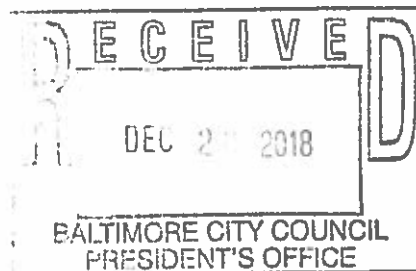
Article 32 - Zoning  
Zoning District Map  
Sheet 21

Baltimore City Revised Code  
(Edition 2000)

NOTE: This bill is subject to amendment by the Baltimore City Council.  
Applicant: 1600 West 41st Street LLC c/o Caroline L. Hecker, Esquire  
For more information contact: Committee Staff at (410) 396-1260.

EIVARD REISINGER  
Chair

d20







Rosenberg  
Martin  
Greenberg<sup>LLP</sup>

Maggie Giordano, Paralegal  
Direct Dial: 410.649.4987  
mgiordano@rosenbergmartin.com

January 8, 2019

Mr. Arthur Greenbaum  
124 Roselawn Road  
Annapolis, MD 21403

**Re: Baltimore City Council  
Public Hearing on Bill No. 18-0300  
Your Property: Block 3575C, Lot 198**

Dear Property Owner:

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, January 23, 2019 at 1:05 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. 18-0300.

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Applicant: 1600 West 41st Street LLC c/o Caroline L. Hecker, Esquire  
For more information contact: Committee Staff at (410) 396-1260.

Edward Reisinger, Chair

Very truly yours,

Maggie Giordano

/mag  
4815-9863-5636, v. 1

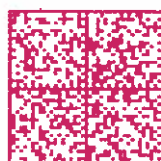






Rosenberg  
Martin  
Greenberg LLP

1600 W. 41st Street, LLC  
301 W. 29th Street, Suite 2002  
Baltimore, MD 21211

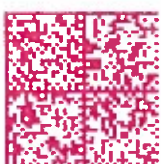


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Rosenberg  
Martin  
Greenberg LLP

Roland Heights, LC  
1355 Beverly Road, Suite 240  
McClean, VA 22101



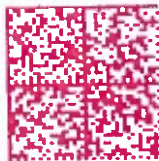
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Rosenberg  
Martin  
Greenberg <sup>LLP</sup>

Mr. Arthur Greenbaum  
124 Roselawn Road  
Annapolis, MD 21403



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0000332426 JAN 08 2019





Rosenberg  
Martin  
Greenberg<sup>LLP</sup>

Maggie Giordano, Paralegal  
Direct Dial: 410.649.4987  
mgiordano@rosenbergmartin.com

January 8, 2019

**VIA E-MAIL - natawnab.austin@baltimorecity.gov  
& FIRST CLASS MAIL**

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

**Re: Public Hearing on Bill No. 18-0300  
Rezoning - 1600 West 41st Street and Block 3575C, Lot 374**

Dear Ms. Austin:

This letter is to certify under the penalties of perjury that the necessary notices required by law were mailed to all property owners and adjacent property owners, via certified and first class mail, on January 8, 2019. I have attached a copy of the notices for your records.

Should you have any questions or require any additional information, please feel free to contact me directly.

Very truly yours,

Maggie Giordano

/mag

4847-1907-1605, v. 1



Rosenberg, Martin, Greenberg, LLP  
25 S CHARLES ST FL 21  
BALTIMORE MD 21201-3322

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071S0077793

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**USPS CERTIFIED MAIL**



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**9407 1108 9876 5024 2402 56**

Roland Heights, LC  
1355 BEVERLY RD STE 240  
MC LEAN VA 22101-3649









Rosenberg  
Martin  
Greenberg<sup>LLP</sup>

Maggie Giordano, Paralegal  
Direct Dial: 410.649.4987  
mgiordano@rosenbergmartin.com

January 8, 2019

Roland Heights, LC  
1355 Beverly Road, Suite 240  
McClellan, VA 22101

**Re: Baltimore City Council  
Public Hearing on Bill No. 18-0300  
Your Property: 1505 Roland Heights Ave., Baltimore, MD 21211  
& Block 3575C, Lot 004**

Dear Property Owner:


The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, January 23, 2019 at 1:05 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. 18-0300.

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NOTE: This bill is subject to amendment by the Baltimore City Council.  
Applicant: 1600 West 41st Street LLC c/o Caroline L. Hecker, Esquire  
For more information contact: Committee Staff at (410) 396-1260.

Edward Reisinger, Chair

Very truly yours,  
  
Maggie Giordano

/mag  
4815-9863-5636, v. 1



Rosenberg, Martin, Greenberg, LLP  
25 S CHARLES ST FL 21  
BALTIMORE MD 21201-3322

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**USPS CERTIFIED MAIL**



**9407 1108 9876 5024 2402 63**

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1600 W. 41st Street, LLC  
301 W 29TH ST STE 2002  
BALTIMORE MD 21211-2960







**Rosenberg  
Martin  
Greenberg<sup>LLP</sup>**

**Maggie Giordano, Paralegal  
Direct Dial: 410.649.4987  
mgiordano@rosenbergmartin.com**

January 8, 2019

1600 W. 41st Street, LLC  
301 W. 29th Street, Suite 2002  
Baltimore, MD 21211

**Re: Baltimore City Council  
Public Hearing on Bill No. 18-0300  
Your Property: 1600 W. 41st Street, Baltimore, MD 21211  
& Block 3575C, Lots 001, 003 & 374**

Dear Property Owner:

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, January 23, 2019 at 1:05 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. 18-0300.

**CC 18-0300 ORDINANCE - Rezoning - 1600 West 41st Street and Block 3575C, Lot 374 FOR the purpose of changing the zoning for the property known as 1600 West 41st Street (Block 3575C, Lot 198A), as outlined in red on the accompanying plat, from the I-2 Zoning District to the I-MU Zoning District, and for the property known as Block 3575C, Lot 374, as outlined in blue on the accompanying plat, from the R-6 Zoning District to the I-MU Zoning District.**

**BY amending  
Article 32 - Zoning  
Zoning District Map  
Sheet 24  
Baltimore City Revised Code  
(Edition 2000)**

**NOTE: This bill is subject to amendment by the Baltimore City Council.  
Applicant: 1600 West 41st Street LLC c/o Caroline L. Hecker, Esquire  
For more information contact: Committee Staff at (410) 396-1260.**

**Edward Reisinger, Chair**

Very truly yours,



**Maggie Giordano**

/mag  
4815-9863-5636, v. 1



Rosenberg, Martin, Greenberg, LLP  
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BALTIMORE MD 21201-3322

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Mr. Arthur Greenbaum  
124 ROSELAWN RD  
ANNAPOLIS MD 21403-1432









**Rosenberg  
Martin  
Greenberg** LLP

Maggie Giordano, Paralegal  
Direct Dial: 410.649.4987  
mgiordano@rosenbergmartin.com

January 8, 2019

**VIA E-MAIL - natawnab.austin@baltimorecity.gov  
& FIRST CLASS MAIL**

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

**Re: Public Hearing on Bill No. 18-0300  
Rezoning - 1600 West 41st Street and Block 3575C, Lot 374**

Dear Ms. Austin:

This letter is to certify under the penalties of perjury that the necessary notices required by law were mailed to all property owners and adjacent property owners, via certified and first class mail, on January 8, 2019. I have attached a copy of the notices for your records.

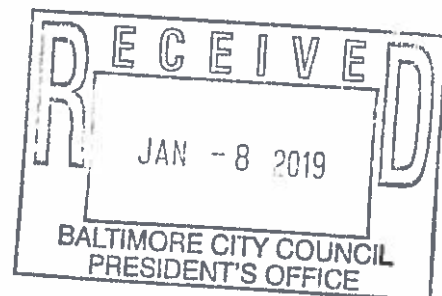
Should you have any questions or require any additional information, please feel free to contact me directly.

Very truly yours,

Maggie Giordano

/mag

4847-1907-1605, v. 1



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Roland Heights, LC  
1355 BEVERLY RD STE 240  
MC LEAN VA 22101-3649





**Rosenberg  
Martin  
Greenberg<sup>LLP</sup>**

**Maggie Giordano, Paralegal**  
Direct Dial: 410.649.4987  
mgiordano@rosenbergmartin.com

January 8, 2019

Roland Heights, LC  
1355 Beverly Road, Suite 240  
McClellan, VA 22101

**Re: Baltimore City Council  
Public Hearing on Bill No. 18-0300  
Your Property: 1505 Roland Heights Ave., Baltimore, MD 21211  
& Block 3575C, Lot 004**

Dear Property Owner:

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, January 23, 2019 at 1:05 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. 18-0300.

CC 18-0300 ORDINANCE - Rezoning - 1600 West 41st Street and Block 3575C, Lot 374 FOR the purpose of changing the zoning for the property known as 1600 West 41st Street (Block 3575C, Lot 198A), as outlined in red on the accompanying plat, from the I-2 Zoning District to the I-MU Zoning District, and for the property known as Block 3575C, Lot 374, as outlined in blue on the accompanying plat, from the R-6 Zoning District to the I-MU Zoning District.

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Applicant: 1600 West 41st Street LLC c/o Caroline L. Hecker, Esquire  
For more information contact: Committee Staff at (410) 396-1260.

Edward Reisinger, Chair

Very truly yours,

Maggie Giordano

/mag  
4815-9863-5636, v. 1

Rosenberg, Martin, Greenberg, LLP  
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1600 W. 41st Street, LLC  
301 W 29TH ST STE 2002  
BALTIMORE MD 21211-2860





**Rosenberg  
Martin  
Greenberg<sup>LLP</sup>**

**Maggie Giordano, Paralegal**  
Direct Dial: 410.649.4987  
mgiordano@rosenbergmartin.com

January 8, 2019

1600 W. 41st Street, LLC  
301 W. 29th Street, Suite 2002  
Baltimore, MD 21211

**Re: Baltimore City Council  
Public Hearing on Bill No. 18-0300  
Your Property: 1600 W. 41st Street, Baltimore, MD 21211  
& Block 3575C, Lots 001, 003 & 374**

Dear Property Owner:

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, January 23, 2019 at 1:05 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. 18-0300.

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For more information contact: Committee Staff at (410) 396-1260.

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Very truly yours,



Maggie Giordano

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**USPS CERTIFIED MAIL**



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Mr. Arthur Greenbaum  
124 ROSELAWN RD  
ANNAPOLIS MD 21403-1432





**Rosenberg  
Martin  
Greenberg<sup>LLP</sup>**

Maggie Giordano, Paralegal  
Direct Dial: 410.649.4987  
mgjordano@rosenbergmartin.com

January 8, 2019

Mr. Arthur Greenbaum  
124 Roselawn Road  
Annapolis, MD 21403

**Re: Baltimore City Council  
Public Hearing on Bill No. 18-0300  
Your Property: Block 3575C, Lot 198**

Dear Property Owner:

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, January 23, 2019 at 1:05 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. 18-0300.

CC 18-0300 ORDINANCE - Rezoning - 1600 West 41st Street and Block 3575C, Lot 374 FOR the purpose of changing the zoning for the property known as 1600 West 41st Street (Block 3575C, Lot 198A), as outlined in red on the accompanying plat, from the I-2 Zoning District to the I-MU Zoning District, and for the property known as Block 3575C, Lot 374, as outlined in blue on the accompanying plat, from the R-6 Zoning District to the I-MU Zoning District.

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For more information contact: Committee Staff at (410) 396-1260.

Edward Reisinger, Chair

Very truly yours,  
  
Maggie Giordano

/mag  
4815-9863-5636, v. 1



Rosenberg  
Martin  
Greenberg LLP

1600 W. 41st Street, LLC  
301 W. 29th Street, Suite 2002  
Baltimore, MD 21211



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1355 Beverly Road, Suite 240  
McClean, VA 22101



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**Rosenberg  
Martin  
Greenberg<sup>LLP</sup>**

Mr. Arthur Greenbaum  
124 Roselawn Road  
Annapolis, MD 21403



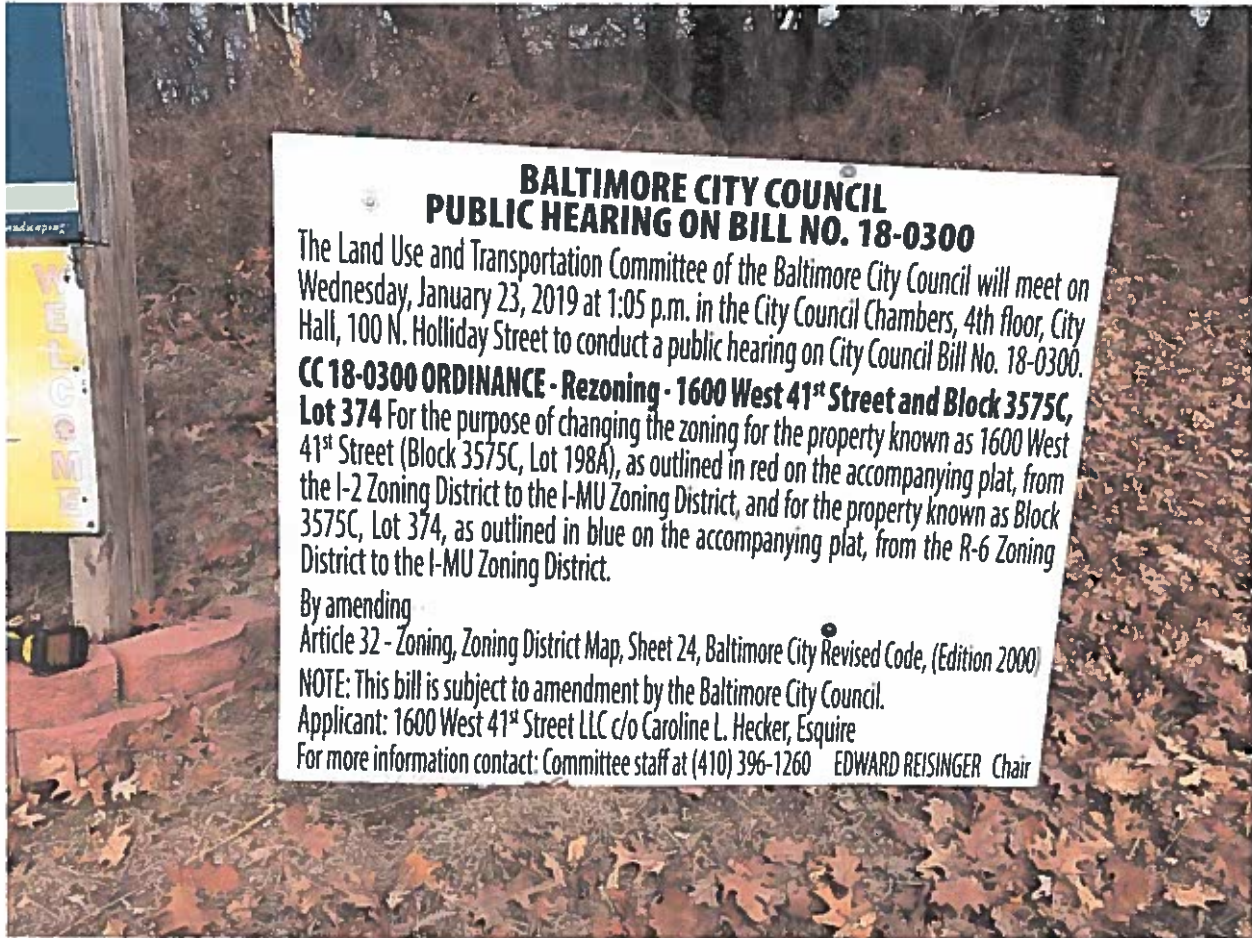
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ZIP 21201 **\$ 000.47<sup>0</sup>**  
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**Baltimore City Council**  
**Certificate of Posting - Public Hearing Notice**  
**City Council Bill No.: 18-0300**

*Today's Date: [12/26/2018]*

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



**Address: 1600 West 41<sup>st</sup> Street**

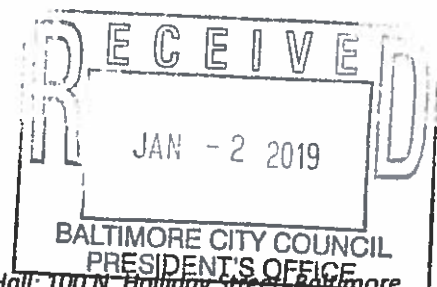
**Date Posted: 12/19/2018**

**Name: Martin Ogle**

**Address: 9912 Maidbrook Rd.**

**Telephone: 443-629-3411**

- Email to: [Natawnab.Austin@baltimorecity.gov](mailto: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

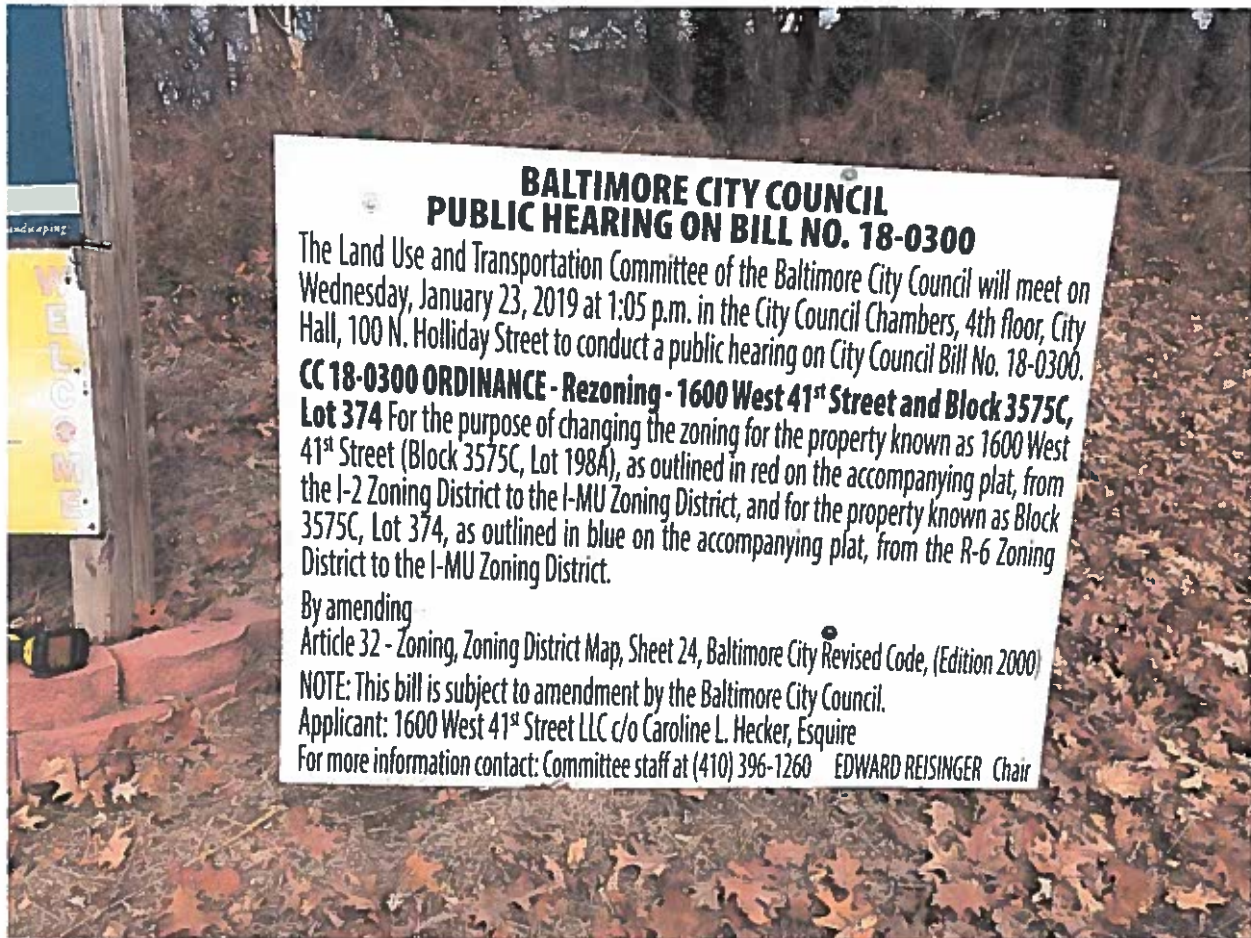




**Baltimore City Council**  
**Certificate of Posting - Public Hearing Notice**  
**City Council Bill No.: 18-0300**

*Today's Date: [12/26/2018]*

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



**Address: 1600 West 41<sup>st</sup> Street**

**Date Posted: 12/19/2018**

**Name: Martin Ogle**

**Address: 9912 Maidbrook Rd.**

**Telephone: 443-629-3411**


- Email to: [Natawnab.Austin@baltimorecity.gov](mailto: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



10

11

12

<b>FROM</b>	NAME & TITLE	LAURIE R. FEINBERG, ACTING DIRECTOR	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 <sup>TH</sup> FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #18-0300 / REZONING 1600 W. 41 <sup>ST</sup> STREET & BLOCK 3575C, LOT 374		

DATE: November 30, 2018

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

At its regular meeting of November 29, 2018, the Planning Commission considered City Council Bill #18-0300, for the purpose of changing the zoning for the property known as 1600 West 41<sup>st</sup> Street (Block 37575C, Lot 198A) from the I-2 Zoning District to the I-MU Zoning District; and for the property known as Block 3575C, Lot 374 from the R-6 Zoning District to the I-MU Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended approval of City Council Bill #18-0300 and adopted the following resolution, seven members being present (seven in favor):

**RESOLVED**, That the Planning Commission concurs with the recommendation of its Departmental staff, and recommends that City Council Bill #18-0300 be passed by the City Council.

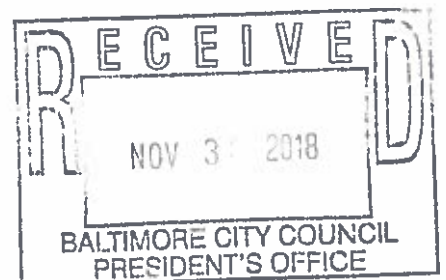
If you have any questions, please contact Mr. Eric Tiso, Division Chief, Land Use and Urban Design Division at 410-396-8358.

LRF/ewt

attachment

- cc: Mr. Pete Hammen, Chief Operating Officer  
 Mr. Jim Smith, Chief of Strategic Alliances  
 Ms. Karen Stokes, Mayor's Office  
 Mr. Colin Tarbert, Mayor's Office  
 Mr. Kyron Banks, Mayor's Office  
 The Honorable Edward Reisinger, Council Rep. to Planning Commission  
 Mr. William H. Cole IV, BDC  
 Mr. Derek Baumgardner, BMZA  
 Mr. Geoffrey Veale, Zoning Administration  
 Ms. Sharon Daboin, DHCD  
 Ms. Elena DiPietro, Law Dept.  
 Mr. Francis Burnszynski, PABC  
 Mr. Josh Taylor, DOT  
 Ms. Natawna Austin, Council Services  
 Mr. Ervin Bishop, Council Services  
 Ms. Caroline Hecker, esq.

F





Catherine E. Pugh  
Mayor

## PLANNING COMMISSION

Sean D. Davis, Chairman

### STAFF REPORT



Laurie Feinberg  
Acting Director

November 29, 2018

**REQUEST:** City Council Bill #18-0300/ Rezoning – 1600 West 41<sup>st</sup> Street and Block 3575C, Lot 374:

For the purpose of changing the zoning for the property known as 1600 West 41<sup>st</sup> Street (Block 3575C, Lot 198A), as outlined in red on the accompanying plat, from the I-2 Zoning District to the I-MU Zoning District; and for the property known as Block 3575C, Lot 374, as outlined in blue on the accompanying plat, from the R-6 Zoning District to the I-MU Zoning District.

**RECOMMENDATION:** Approval

**STAFF:** Martin French

**PETITIONERS:** Councilmember Pinkett, at the request of 1600 W 41<sup>st</sup> Street LLC

**OWNER:** 1600 W 41<sup>st</sup> Street LLC (both lots)

#### **SITE/GENERAL AREA**

**Site Conditions:** The property known as 1600 West 41<sup>st</sup> Street, despite its having no frontage on 41<sup>st</sup> Street, is more properly described as Block 3575C, Lot 198A. This property is north of 41<sup>st</sup> Street and has access to it by way of a use-in-common driveway that slopes downward from the bed of 41<sup>st</sup> Street, passing another property known as 1700 West 41<sup>st</sup> Street on its west. Block 3575C, Lot 198A contains approximately 1.630 acres within a 175' deep lot with a length of approximately 502' on its south side but only 308' on its north side. The property is improved with a one-story detached commercial building measuring approximately 332' by 75' in its principal or original structure that was built in 1936, which lies entirely within the bounds of Lot 198A. One later addition to this structure measuring approximately 85' by 58' was constructed largely on Lot 198A, but with its eastern corner extending over the lot line onto adjoining Lot 368, from which, in 2018, Lot 374 was created before being conveyed to the present owner. Block 3575C, Lot 374 was originally part of the much larger Lot 76 of Block 3575C, known locally as the "Hedwin Site", which the Planning Commission approved for residential redevelopment in 2017 after its previous abandonment as an industrial site.

**General Area:** This site is part of the Jones Falls valley, location of a significant portion of Baltimore's industry in the 19<sup>th</sup> and early 20<sup>th</sup> Centuries. This is a valley with steep slopes, atop which to the east of this property is a predominantly residential area known as Medfield that was largely developed immediately after World War I. West of the site, across the interstate highway known as the JFX, is the predominantly 19<sup>th</sup> Century mill village known as Woodberry which lies in part in the valley and also climbs the slope on the western side of the valley. Further down the valley on its east side, and south of Medfield, is the predominantly residential



community of Hampden, also a 19<sup>th</sup> Century mill town before its annexation to Baltimore City in 1888. As a result of a combination of de-industrialization in the mid-to-late 20<sup>th</sup> Century and repeated flooding of the Jones Falls valley (from Storm Agnes in 1972 to more recent events) there has been much closure of original industrial structures and resulting adaptive 21<sup>st</sup> Century re-use of commercial and industrial properties left vacant after earlier businesses departed the Jones Falls valley.

## **HISTORY**

There are no previous legislative or Planning Commission actions regarding this site, other than its rezoning from M-2-1 to I-2 (for Block 3575C, Lot 198A) and from M-2-1 to R-6 (for Block 3575C, Lot 374) effective June 5, 2017 as part of the City-wide comprehensive rezoning that accompanied adoption of the new Zoning Code (Article 32 of the Baltimore City Code).

## **CONFORMITY TO PLANS**

The proposed action is consistent with LIVE EARN PLAY LEARN, the Comprehensive Master Plan, Earn Goal 1, Objective 1: Retain and Attract Businesses in all Growth Sectors, including strategies of: Creating an industrial mixed-use zoning district, and Creating a light industrial mixed-use zoning district.

## **ANALYSIS**

The industrial mixed-use (I-MU) zoning district having been created by the Mayor and City Council upon the recommendation of the Planning Commission, I-MU designation was applied to many places throughout Baltimore, including to properties on the south or opposite side of 41<sup>st</sup> Street on both sides of the Jones Falls south of the property that is the subject of this bill. Functionally, the proposed action would enlarge an existing Industrial Mixed-Use zoning district created at the Jones Falls/ 41<sup>st</sup> Street node, by adding a large single-story light manufacturing property and structure ideal for flexible business-industrial re-use and geographically separated from nearby residential communities by the combination of topography and an interstate highway. One previous action, rezoning adjoining property known as 1700 West 41<sup>st</sup> Street from the I-2 Zoning District to the I-MU Zoning District, was approved by the Planning Commission on August 17, 2017 and adopted by the Mayor and City Council through enactment of Ordinance 17-088 which became effective on January 18, 2018. The proposed action would extend the I-MU Zoning District further to the north and east of that property while removing I-2 zoning from direct contact with the R-6 Zoning District covering the Medfield community to the north and east of these two properties.

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 expanded options for re-use of a property formerly used for light industrial purposes.

The proposed zoning map amendment is needed to correct a mistake in the new (17-month old) existing zoning classifications of the subject property. The property currently includes a 29,830 square foot light industrial building on approximately 1.630 acre, all of which lies below the grade of 41<sup>st</sup> Street and at the bottom of the hillside leading up to the residential community of Medfield, from which it is isolated by the steep slope. The rectangular shape and open span of the interior of the light industrial structure make it particularly adaptable to a combination of office-flex-commercial-industrial space uses, while its location distant from an actual interchange with the interstate highway on its west side makes its continued use solely as industrial, and particularly the heavier industrial uses covered by the I-2 zoning classification, difficult to foresee given numerous other locations in Baltimore where heavier industrial uses are both permitted and accessible via either interstate highway or railroad freight carriers. This is a key point, because while the I-2 zoning district allows many industrial uses, it does not allow most commercial uses provided in the I-MU (Industrial Mixed-Use) district, and for a property at this location, the I-2 zoning becomes a disincentive to adaptive re-use of the existing structure built in 1936.

Given that only 17 months have elapsed since the current I-2 zoning became effective, there have been no significant population changes that would affect the subject property (or nearby, already-zoned I-MU properties on the other side of 41<sup>st</sup> Street or its neighbor known as 1700 West 41<sup>st</sup> Street). Adequate public facilities already serve, and will continue to serve, the property. Where adaptive re-use for purposes allowed by I-MU zoning would need augmented public facilities such as utilities, the developer would be obligated to install additional facilities as required by the City. Present and future transportation patterns relating to this property will remain unchanged for the foreseeable future, as neither the JFX nor 41<sup>st</sup> Street is proposed for any changes.

As already noted, the proposed rezoning is compatible with existing zoning in the area and with existing and proposed development in the Jones Falls valley. The proposed rezoning furthers the City's Comprehensive Master Plan goal of retaining and attracting business in all growth sectors, by adding a large reusable structure with ample service parking and loading facilities (that are also well-removed from residential areas) to the Industrial Mixed-Use zoning district in which small and medium-sized commercial and light industrial enterprises can readily locate. Inclusion of Block 3575C, Lot 374 in the area to be rezoned merely recognizes the fact that a small part of the existing structure encroaches on that lot.

**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 rezoning would support the Plan's goal of retaining and attracting businesses in growth sectors by expanding the Industrial Mixed-Use zoning district created expressly for that purpose.
2. **The needs of Baltimore City:** Addition of these two properties and its existing readily adaptable commercial-industrial building to a zoning district which allows a wider variety of commercial and industrial uses in turn encourages a wider variety of employers to locate there, resulting in job retention and creation that can directly benefit Baltimore residents.
3. **The needs of the particular neighborhood:** This site is not in a residential neighborhood, but rather is part of a large but narrow stream valley commercial-industrial area reaching from the northern City limit southward to North Avenue. Treating the Jones Falls valley floor as a neighborhood, this rezoning would strengthen it by expanding opportunities for new and adaptive reuse of older commercial and industrial structures in it.

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 are no significant changes which have occurred since adoption of the current zoning map or Zoning Code.
2. **The availability of public facilities;** Public facilities are and are expected to remain adequate for current and future uses of the subject property.
3. **Present and future transportation patterns;** No changes are expected in transportation patterns in the immediate vicinity of the subject property.
4. **Compatibility with existing and proposed development for the area;** The rezoning would reinforce redevelopment trends in the Jones Falls Valley that have continued for several decades.

5. **The recommendations of the Planning Commission and the Board of Municipal and Zoning Appeals (BMZA);** For the above reasons, the Planning Department is recommending 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.** The proposed amendment will support the Plan goal of retaining and attracting businesses in all growth sectors by expanding the industrial mixed-use district in which a wider variety of businesses than allowed under the current I-2 zoning can locate.

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;** Industrial mixed use (combinations of light industrial and commercial use) predominate in the Jones Falls valley floor area nearest this site.
- (ii) **the zoning classification of other property within the general area of the property in question;** To the south of this site lies 1700 West 41<sup>st</sup> Street, recently rezoned I-MU. To the west of this site is a medium-size industrial property zoned I-1. To the north and east of this site and overlooking it is the Medfield community, zoned R-6.
- (iii) **the suitability of the property in question for the uses permitted under its existing zoning classification;** The site is functionally obsolete in relation to many modern heavy industrial uses; access to it for purposes of delivery of raw materials or export of products requires passage of heavy motor vehicles through residential areas; and it is not served by rail or high-speed interstate roads needed for transportation of finished products.
- (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.** While there has not yet been a change in use of this site in the past 17 months, successful re-use of an adjoining property that was rezoned to I-MU has demonstrated viability of the proposed action in relation to this site.

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. It is the determination of Planning staff that a mistake was made in classifying this site I-2 and R-6, and that rezoning it to I-MU would be appropriate as a way to encourage and facilitate productive reuse and employment potential.

Notification: The Medfield Community Association has been notified of this action.



Laurie Feinberg  
Acting Director

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



BOARD OF MUNICIPAL AND  
ZONING APPEALS

DEREK J. BAUMGARDNER, Executive Director  
417 E. Fayette Street, Room 1432  
Baltimore, Maryland 21202

January 22, 2019

The Honorable President and  
Members of the City Council  
City Hall  
100 N. Holliday Street  
Baltimore, MD 21202

**RE: CC Bill #18-0300 Rezoning – 1600 West 41<sup>st</sup> Street and Block 3575C,  
Lot 374**

Ladies and Gentlemen:

City Council Bill No. 18-300 has been referred by your Honorable Body to the Board of Municipal and Zoning Appeals for study and report.

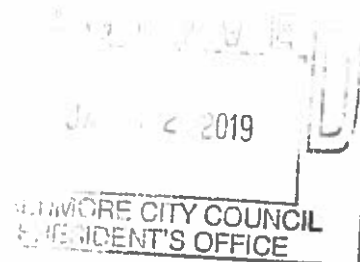
The purpose of City Council Bill No. 18-300 is to change the zoning for the property known as 1600 West 41<sup>st</sup> Street (Block 3575C, Lot 198A) from the I-2 Zoning District to the I-MU Zoning District, and for the property known as Block 3575C, Lot 374 from the R-6 Zoning District to the I-MU Zoning District.

The BMZA has reviewed the legislation and recommends approval of CC Bill. 18-300.


Sincerely,

Derek J. Baumgardner  
Executive Director

CC: Mayors Office of Council Relations  
City Council President  
Legislative Reference





<b>F R O M</b>	<b>NAME &amp; TITLE</b>	Michelle Pourciau, Director	<b>CITY of BALTIMORE  M E M O</b>	
	<b>AGENCY NAME &amp; ADDRESS</b>	Department of Transportation (DOT) 417 E Fayette Street, Room 527		
	<b>SUBJECT</b>	City Council Bill 18-0300		

DATE: 1/4/19

TO Mayor Catherine E. Pugh  
 TO: Land Use and Transportation Committee  
 FROM: Department of Transportation  
 POSITION: No Objection  
 RE: Council Bill – 18-0300

**INTRODUCTION** – Rezoning – 1600 West 41<sup>st</sup> Street and Block 3575C, Lot 374

**PURPOSE/PLANS** – For the purpose of changing the zoning for the property known as 1600 West 41<sup>st</sup> Street (Block 3575C, Lot 198A), as outlined in red on the accompanying plat, from the I-2 Zoning District to the I-MU Zoning District, and for the property known as Block 3575C, Lot 374, as outlined in blue on the accompanying plat, from the R-6 Zoning District to the I-MU Zoning District.

**COMMENTS** – Zoning changes impact the nature of development that will take place. Changing from an I-2 Zoning District and a R-6 Zoning District to an I-MU Zoning District will change the intent of the zoning district from an industrial use and single-family residential area of moderate density to a mixed-use commercial and residential district that is likely to increase population density. An increase in population density increases the need for improved multi-modal access including improved bicycle infrastructure.


W 41st Street has an existing buffered bike lane between Buena Vista Avenue and Druid Park Drive as is identified in the 2015 Bike Master Plan as a Main Route (bike lane, buffered bike lane, cycle track).

Future development will impact the Department of Transportation when/if signals, signs, markings, et cetera are added and/or traffic flow conversion may be needed. Additional resources will be needed to maintain new or altered transportation infrastructure in response to development facilitated by the zoning change.

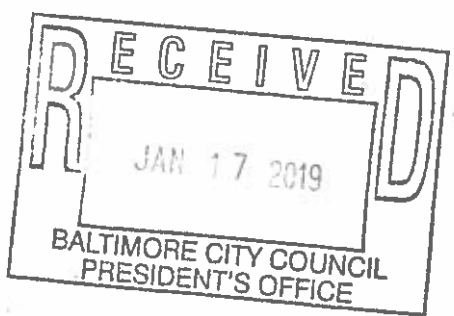
This bill would establish consistency in the zoning for the small low area east of I-83 and north of 41st Street. Any increase in transportation trips generated due to the zoning change is not expected to be significant.

**AGENCY/DEPARTMENT POSITION** –  
 The Department of Transportation has No Objection to City Council 18-0300.

If you have any questions, please do not hesitate to contact Michael Castagnola at Michael.Castagnola@baltimorecity.gov, 410-396-6802.

Sincerely,  
  
 Michelle Pourciau  
 Director

*No obj.*







CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor

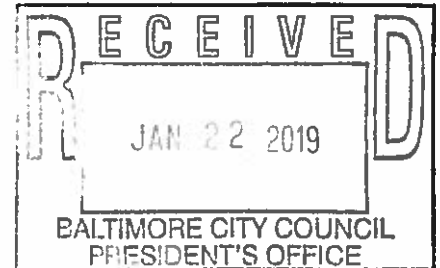


DEPARTMENT OF LAW

ANDRE M. DAVIS, CITY SOLICITOR  
100 N. Holliday Street  
Suite 101, City Hall  
Baltimore, Maryland 21202

January 17, 2019

The Honorable President and Members  
of the Baltimore City Council  
Attn: Executive Secretary  
Room 409, City Hall  
100 N. Holliday Street  
Baltimore, Maryland 21202



Re: City Council Bill 18-0300 – Rezoning – 1600 West 41<sup>st</sup> Street and Block 3575C, Lot 374

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 18-0300 for form and legal sufficiency. The bill would change the zoning for the property known as 1600 West 41<sup>st</sup> Street (Block 3575C, Lot 198A) as outlined in red on the accompanying plat, from the I-2 Zoning District to the I-MU Zoning District, and for the property known as Block 3575C, Lot 374, as outlined in blue on the accompanying plat, from the R-6 Zoning District to the I-MU Zoning District.

The City Council may permit this rezoning if it finds facts sufficient to show either a mistake in the existing zoning classification or a substantial change in the character of the neighborhood. Md. Code, Land Use, §10-304(b)(2); Baltimore City Code, Art. 32, §§5-508(a) and (b)(1). There would appear to be no basis to believe that the neighborhood has substantially changed between the comprehensive rezoning of the property on June 5, 2017 and today's date. Therefore, to legally rezone the property the City Council must identify a "mistake" that lead to the inappropriate zoning of the property as I-2 and R-6.

In determining whether to rezone on the basis of mistake, the City Council is required to make findings of fact, for each property, on the following matters:

- (1) population change;
- (2) the availability of public facilities;
- (3) the present and future transportation patterns;
- (4) compatibility with existing and proposed development;
- (5) the recommendations of the Planning Commission and the Board of Municipal and Zoning Appeals; and
- (6) the relationship of the proposed amendment to the City's plan.

*Fav w/ comments*



Md. Land Use Code Ann., §10-304(b)(1); *see also*, Baltimore City Code, Art. 32, §5-508(b)(2) (citing same factors with (v) being “the recommendations of the City agencies and officials,” and (vi) being “the proposed amendment’s consistency with the City’s Comprehensive Master Plan.”).

Article 32 of the City Code also requires Council to consider:

- (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.

Baltimore City Code, Art. 32, §5-508(b)(3).

The Mayor and City Council’s decision regarding a piecemeal rezoning is reviewed under the substantial evidence test, and should be upheld “if reasoning minds could reasonably reach the conclusion from facts in the record.” *Cty. Council of Prince George’s Cty. v. Zimmer Dev. Co.*, 444 Md. 490, 510 (2015) (quoting, *Cremins v. Cnty. Comm’rs of Washington Cnty.*, 164 Md.App. 426, 438 (2005)); *see also White v. Spring*, 109 Md. App. 692, 699, *cert. denied*, 343 Md. 680 (1996) (“the courts may not substitute their judgment for that of the legislative agency if the issue is rendered fairly debatable”); *accord Floyd v. County Council of Prince George’s County*, 55 Md.App. 246, 258 (1983) (“‘substantial evidence’ means a little more than a ‘scintilla of evidence.’”).

With regard to rezoning on the basis of mistake, it is “firmly established that there is a strong presumption of the correctness of original zoning and of comprehensive rezoning.” *People’s Counsel v. Beachwood I Ltd. Partnership*, 107 Md. App. 627, 641 (1995) (quoting *Wells v. Pierpont*, 253 Md. 554, 557 (1969)). To sustain a piecemeal change, there must be substantial evidence that “the Council failed to take into account then existing facts . . . so that the Council’s action was premised . . . on a misapprehension.” *White*, 109 Md. App. at 698 (citation omitted). In other words, “[a] conclusion based upon a factual predicate that is incomplete or inaccurate may be deemed in zoning law, a mistake or error; an allegedly aberrant conclusion based on full and accurate information, by contrast, is simply a case of bad judgment, which is immunized from second-guessing.” *Id.* “Error can be established by showing that at the time of the comprehensive zoning the Council failed to take into account then existing facts, or projects or trends which were reasonably foreseeable of fruition in the future, so that the Council’s action was premised initially on a misapprehension[,]” [and] “by showing that events occurring subsequent to the comprehensive zoning have proven that the Council’s initial premises were incorrect.” *Boyce v. Sembly*, 25 Md. App. 43, 51 (1975) (citations omitted).



“Thus, unless there is probative evidence to show that there were then existing facts which the Council, in fact, failed to take into account, or subsequently occurring events which the Council could not have taken into account, the presumption of validity accorded to comprehensive zoning is not overcome and the question of error is not ‘fairly debatable.’” *Id.* at 52.

A finding of mistake, however, absent a regulatory taking, merely permits the further consideration of rezoning, it does not mandate a rezoning. *White*, 109 Md. App. at 708. Rather, a second inquiry “regarding whether, and if so, how, the property is reclassified,” is required. *Id.* at 709. This second conclusion is due great deference. *Id.* (after a prior mistake has been established and accepted as fact by a legislative zoning entity, that entity’s decision as to whether to rezone, and if so, how to reclassify, is due the same deference the prior comprehensive rezoning was due).

In sum, the Land Use and Transportation Committee (the “Committee”) is required to hold a quasi-judicial public hearing with regard to the bill wherein it will hear and weigh the evidence as presented in: (1) the Planning Report and other agency reports; (2) testimony from the Planning Department and other City agency representatives; and (3) testimony from members of the public and interested persons. After weighing the evidence presented and submitted into the record before it, the Committee is required to make findings of fact for each property with regard to the factors in §§10-304 and 10-305 of the Land Use Article and § 5-508 of Article 32 of the Baltimore City Code. If, after its investigation of the facts, the Committee makes findings which support: (1) a mistake in the comprehensive zoning; and (2) a new zoning classification for the properties, it may adopt these findings and the legal requirements for granting the rezoning would be met.

Here, the Planning Department Report suggests that the facts support a finding of mistake in the property’s current zoning, because the shape and open span of the interior of the structure, which make it more adaptable and suitable to office-flex-commercial-industrial space uses, as well as its distance from an actual interchange, which makes its “continued use solely as industrial ...difficult to foresee” were facts that were not considered when the properties were placed in their current zoning. Planning Report, p. 3.

Finally, certain procedural requirements apply to this bill beyond those discussed above because a change in the zoning classification of a property is deemed a “legislative authorization.” Baltimore City Code, Art. 32, §5-501(2)(iii). Specifically, notice of the City Council hearing must be given by publication in a newspaper of general circulation in the City, by posting in a conspicuous place on the property and by first-class mail, 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. Baltimore City Code, Art. 32, §5-601(b). The notice of the City Council hearing must include the date, time, place and purpose of the hearing, as well as the address of the property and the name of the applicant. Baltimore City Code, Art. 32, §5-601(c). The posted notices must be at least 3 feet by 4 feet in size, placed at a prominent location, and at least one sign must be visible from each of the property’s street frontages. City Code, Art., §5-



601(d). The published and mailed notices must be given at least 15 days before the hearing; the posted notice must be at least 30 days before the public hearing. Baltimore City Code, Art. 32, §5-601(e), (f).

The bill is the appropriate method for the City Council to review the facts and make the determination as to whether the legal standard for rezoning has been met. Assuming the required findings are made at the hearing and that all procedural requirements are satisfied, the Law Department can approve the bill for form and legal sufficiency.

Very truly yours,

  
Ashlea Brown  
Assistant Solicitor

cc: Andre M. Davis, City Solicitor  
Karen Stokes, Director, Mayor's Office of Government Relations  
Jeff Amoros, Mayor's Legislative Liaison  
Elena DiPietro, Chief Solicitor, General Counsel Division  
Victor Tervalá, Chief Solicitor  
Hilary Ruley, Chief Solicitor  
Avery Aisenstark







BALTIMORE CITY  
DEPARTMENT OF HOUSING &  
COMMUNITY DEVELOPMENT

## MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council  
c/o Natawna Austin, Executive Secretary

From: Michael Braverman, Housing Commissioner

MEM

Date: January 18, 2019

Re: City Council Bill 18-0300, Rezoning – 1600 West 41<sup>st</sup> Street and Block 3575C, Lot 374

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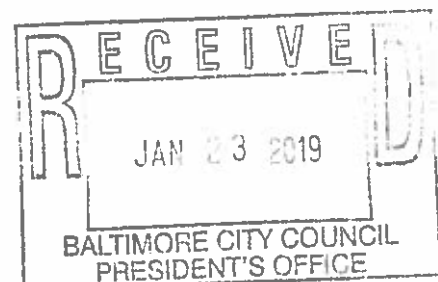
The Department of Housing and Community Development (HCD) has reviewed City Council Bill 18-0300, for the purpose of changing the zoning for the property known as 1600 West 41<sup>st</sup> Street from the I-2 Zoning District to the I-MU Zoning District, and for the property known as Block 3575C from R-6 Zoning District to the I-MU Zoning District.

If enacted, this bill will correct a mistake in the existing zoning classification of the subject property and change the zoning to I-MU. Doing so will allow for most commercial uses and incentive adaptive re-use of the existing structures.

HCD supports the passage of City Council Bill 18-0300.

MB:td

cc: Mr. Jeffrey Amoros, Mayor's Office of Government Relations

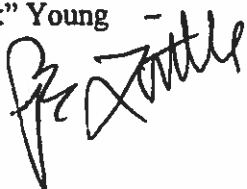


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TRANSMITTAL MEMO

TO: Council President Bernard "Jack" Young  
FROM: Peter Little, Executive Director  
DATE: December 3, 2018  
RE: City Council Bill 18-0300



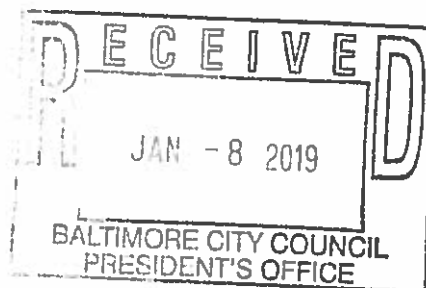
**PARKING**  
OF BALTIMORE CITY  
**AUTHORITY**

I am herein reporting on City Council Bill 18-0300 introduced by Councilman Pinkett at the request of 1600 W. 41<sup>st</sup> Street, LLC.

The purpose of this bill is to change the zoning for the property known as 1600 W. 41<sup>st</sup> Street (Block 3575C, Lot 374) from the R-6 Zoning District to the I-MU Zoning District.

The Parking Authority of Baltimore City reviewed the proposed legislation. The legislation does not explicitly address parking. This site is not located where the Parking Authority administers any on-street parking programs. As building plans and uses for the property become more defined, the Parking Authority will be involved through Site Plan Review and Planning Commission hearings to ensure that parking demand is adequately addressed and negative effects to parking because of development on this site are mitigated.

Based on the comments above, the Parking Authority of Baltimore City does not oppose the passage of City Council Bill 18-0300.



*Not opposed*

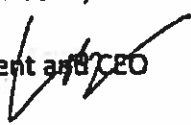




**Baltimore**  
Development Corporation

## MEMORANDUM

**TO:** Honorable President and Members of the City Council  
Attention: Natawna B. Austin, Executive Secretary

**FROM:** William H. Cole, President and CEO 

**DATE:** November 15, 2018

**SUBJECT:** City Council Bill 18-0300  
Rezoning – 1600 West 41<sup>st</sup> Street and Block 3575C, Lot 374

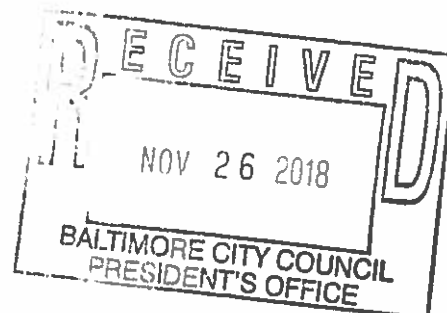
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The Baltimore Development Corporation (BDC) has been asked to comment on City Council Bill 18-0300, for the purpose of allowing the property known as 1600 West 41<sup>st</sup> Street to be rezoned from the I-2 Zoning District to I-MU Zoning District and the parcel at Block 33575C/Lot 374 to be rezoned from the R-6 Zoning District to the I-MU Zoning District.

BDC supports Bill 18-0300. If passed, this Bill will assist with the reuse of a large vacant parcel and development of office space and other compatible commercial uses. The resulting development will also complement the adaptive reuse development at Union Collective, and serve as a transition between other industrial uses in the area and the adjacent residential neighborhood.

BDC respectfully requests that favorable consideration is given to City Council Bill No. 18-0300.

cc: Kyron Banks



F

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# City of Baltimore

City Council  
City Hall, Room 408  
100 North Holliday Street  
Baltimore, Maryland  
21202

## Meeting Minutes - Final

### Land Use and Transportation Committee

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Wednesday, January 23, 2019

1:05 PM

Du Burns Council Chamber, 4th floor, City Hall

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18-0300

#### **CALL TO ORDER**

#### **INTRODUCTIONS**

#### **ATTENDANCE**

**Present** 7 - Member Edward Reisinger, Member Sharon Green Middleton, Member Mary Pat Clarke, Member Eric T. Costello, Member Ryan Dorsey, Member Leon F. Pinkett III, and Member Robert Stokes Sr.

#### **ITEMS SCHEDULED FOR PUBLIC HEARING**

##### 18-0300

##### **Rezoning - 1600 West 41st Street and Block 3575C, Lot 374**

For the purpose of changing the zoning for the property known as 1600 West 41st Street (Block 3575C, Lot 198A), as outlined in red on the accompanying plat, from the I-2 Zoning District to the I-MU Zoning District, and for the property known as Block 3575C, Lot 374, as outlined in blue on the accompanying plat, from the R-6 Zoning District to the I-MU Zoning District.

**Sponsors:** Leon F. Pinkett, III

**A motion was made by Member Pinkett, III, seconded by Member Clarke, that bill be recommended favorably. The motion carried by the following vote:**

**Yes:** 7 - Member Reisinger, Member Middleton, Member Clarke, Member Costello, Member Dorsey, Member Pinkett III, and Member Stokes Sr.

#### **ADJOURNMENT**





CITY OF BALTIMORE

CATHERINE E. PUGH, 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

HEARING NOTES

Bill: 18-0300

Rezoning - 1600 West 41st Street and Block 3575C, Lot 374

Committee: Land Use and Transportation
Chaired By: Councilmember Edward Reisinger

Hearing Date: January 23, 2019
Time (Beginning): 1:18 PM
Time (Ending): 1:28 PM
Location: Clarence "Du" Burns Chamber
Total Attendance: ~30
Committee Members in Attendance:
Reisinger, Edward, Chairman
Middleton, Sharon, Vice Chair
Clarke, Mary Pat
Costello, Eric
Dorsey, Ryan
Pinkett, Leon
Stokes, Robert

Bill Synopsis in the file? [X] yes [ ] no [ ] n/a
Attendance sheet in the file? [X] yes [ ] no [ ] n/a
Agency reports read? [X] yes [ ] no [ ] n/a
Hearing televised or audio-digitally recorded? [X] yes [ ] no [ ] n/a
Certification of advertising/posting notices in the file? [X] yes [ ] no [ ] n/a
Evidence of notification to property owners? [X] yes [ ] no [ ] n/a
Final vote taken at this hearing? [X] yes [ ] no [ ] n/a
Motioned by: Councilmember Leon Pinkett, III
Seconded by: Councilmember Mary Pat Clarke
Final Vote: Favorable



**Major Speakers**  
*(This is not an attendance record.)*

- Mr. Martin French, Department of Planning
  - Mr. Michael Castagnola, Department of Transportation
  - Mr. Derek Baumgardner, Board of Municipal and Zoning Appeals
  - Ms. Elena DiPietro, Department of Law
  - Mr. Tyrell Dixon, Department of Housing and Community Development
  - Mr. Raven Thompson, Baltimore Development Corporation
  - Mr. Laura Bianca Pruitt, Parking Authority of Baltimore City
  - Ms. Caroline Hecker, representative for the applicant
- 

**Major Issues Discussed**

1. Councilman Reisinger introduced committee members and read the bill's title, purpose and public notice certification report.
  2. Councilman Pinkett provided information about the request for the rezoning. He supports the rezoning request.
  3. Mr. Martin French presented the Planning Commission's findings and recommendations and provided information from the Department of Planning's staff report. He provided background information about development projects and changes in zoning on properties adjacent to the site. The property is not in a residential area and is appropriate for heavy industrial use. The rezoning supports the City's Master Plan.
  4. Agency representatives testified in support of their respective agency's position on the bill.
  5. Ms. Caroline Hecker provided general information about a Memorandum of Understanding between the developer and the community. Councilman Pinkett indicated that he wanted to make sure that the Department of Transportation and development team work on transportation issues, particularly the ingress/egress for the property.
  6. The committee voted to accept the findings of facts.
  7. The committee voted to recommend the bill favorable with amendments.
  8. The hearing was adjourned.
- 

**Further Study**

**Was further study requested?**  
**If yes, describe.**

Yes     No

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**Committee Vote:**

Reisinger, Edward, Chairman..... **Yea**  
Middleton, Sharon, Vice Chair..... **Yea**  
Clarke, Mary Pat..... **Yea**  
Costello, Eric ..... **Yea**  
Dorsey, Ryan ..... **Yea**  
Pinkett, Leon..... **Yea**  
Stokes, Robert:..... **Yea**

---

Jennifer L. Coates, Committee Staff



Date: January 24, 2018

cc: Bill File  
OCS Chrono File





# CITY OF BALTIMORE CITY COUNCIL HEARING ATTENDANCE RECORD

Committee: Land Use and Transportation

Chairperson: Edward Reisinger

Date: January 23, 2019

Time: 1:05 PM

Place: Clarence "Du" Burns Chambers

Subject: Ordinance - Rezoning - 1600 West 41st Street and Block 3575C, Lot 374

CC Bill Number: 18-0300

**PLEASE PRINT**

**IF YOU WANT TO TESTIFY PLEASE CHECK HERE**



FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS	TESTIFY	FOR	AGAINST	YES	NO	WHAT IS YOUR POSITION ON THIS BILL?	LOBBYIST: ARE YOU REGISTERED IN THE CITY?
John	Doe	100	North Charles Street	21202	Johndoenbmore@yahoo.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>
Caroline	Hecker	25	S Charles St	21201	<del>John</del> caroline.hecker@rosenbergmtn.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>
Justin	Williams	25	S. Charles St.	21201	justinwilliams@rosenbergmtn.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>
Tyrell	Dixon		HKD			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Evan	Howell	301	12. 29th Street	21211	ehowell@seaworldentertainment.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>
Martin	Frenich		Planning			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Francis	Thompson		BDG			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>

(\*) NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER WITH THE CITY ETHICS BOARD. REGISTRATION IS A SIMPLE PROCESS. FOR INFORMATION AND FORMS, CALL OR WRITE: BALTIMORE CITY BOARD OF ETHICS, C/O DEPARTMENT OF LEGISLATIVE REFERENCE, 626 CITY HALL, BALTIMORE, MD 21202. TEL: 410-396-4730. FAX: 410-396-8483.





# City of Baltimore

City Council  
City Hall, Room 408  
100 North Holliday Street  
Baltimore, Maryland  
21202

## Meeting Agenda - Final

### Land Use and Transportation Committee

---

Wednesday, January 23, 2019

1:05 PM

Du Burns Council Chamber, 4th floor, City Hall

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18-0300

#### **CALL TO ORDER**

#### **INTRODUCTIONS**

#### **ATTENDANCE**

#### **ITEMS SCHEDULED FOR PUBLIC HEARING**

##### **18-0300**

##### **Rezoning - 1600 West 41st Street and Block 3575C, Lot 374**

For the purpose of changing the zoning for the property known as 1600 West 41st Street (Block 3575C, Lot 198A), as outlined in red on the accompanying plat, from the I-2 Zoning District to the I-MU Zoning District, and for the property known as Block 3575C, Lot 374, as outlined in blue on the accompanying plat, from the R-6 Zoning District to the I-MU Zoning District.

##### **Sponsors:**

Leon F. Pinkett, III

#### **ADJOURNMENT**

**THIS MEETING IS OPEN TO THE PUBLIC**





**BALTIMORE CITY COUNCIL  
LAND USE AND TRANSPORTATION COMMITTEE**

**Mission Statement**

***On behalf of the Citizens of Baltimore City***, the mission of the Land Use and Transportation Committee is to review and support responsible development and zoning initiatives to ensure compatibility with the aim of improving the quality of life for the diverse population of Baltimore City.

**The Honorable Edward Reisinger  
Chairperson**

**PUBLIC HEARING**

**Wednesday, January 23, 2019**

**1:05 PM**

**Clarence "Du" Burns Council Chambers**

***City Council Bill # 18-0300***

***Rezoning - 1600 West 41st Street and Block 3575C, Lot 374***

## CITY COUNCIL COMMITTEES

### BUDGET AND APPROPRIATIONS

Eric Costello – Chair  
Leon Pinkett – Vice Chair  
Bill Henry  
Sharon Green Middleton  
Brandon M. Scott  
Isaac “Yitzy” Schleifer  
Shannon Sneed  
*Staff: Marguerite Currin*

### EDUCATION AND YOUTH

Zeke Cohen – Chair  
Mary Pat Clarke – Vice Chair  
John Bullock  
Kristerfer Burnett  
Ryan Dorsey  
*Staff: Matthew Peters*

### EXECUTIVE APPOINTMENTS

Robert Stokes – Chair  
Kristerfer Burnett – Vice Chair  
Mary Pat Clarke  
Zeke Cohen  
Isaac “Yitzy” Schleifer  
*Staff: Marguerite Currin*

### HOUSING AND URBAN AFFAIRS

John Bullock – Chair  
Isaac “Yitzy” Schleifer – Vice Chair  
Kristerfer Burnett  
Bill Henry  
Shannon Sneed  
Zeke Cohen  
Ryan Dorsey  
*Staff: Richard Krummerich*

### JUDICIARY AND LEGISLATIVE INVESTIGATIONS

Eric Costello – Chair  
Mary Pat Clarke – Vice Chair  
John Bullock  
Leon Pinkett  
Edward Reisinger  
Brandon Scott  
Robert Stokes  
*Staff: Matthew Peters*

### LABOR

Shannon Sneed – Chair  
Robert Stokes – Vice Chair  
Eric Costello  
Bill Henry  
Mary Pat Clarke  
*Staff: Samuel Johnson*

### LAND USE AND TRANSPORTATION

Edward Reisinger – Chair  
Sharon Green Middleton – Vice Chair  
Mary Pat Clarke  
Eric Costello  
Ryan Dorsey  
Leon Pinkett  
Robert Stokes  
*Staff: Jennifer Coates*

### PUBLIC SAFETY

Brandon Scott – Chair  
Ryan Dorsey – Vice Chair  
Kristerfer Burnett  
Shannon Sneed  
Zeke Cohen  
Leon Pinkett  
Isaac “Yitzy” Schleifer  
*Staff: Richard Krummerich*

### TAXATION, FINANCE AND ECONOMIC DEVELOPMENT

Sharon Green Middleton – Chair  
Leon Pinkett – Vice Chair  
Eric Costello  
Edward Reisinger  
Robert Stokes  
*Staff: Samuel Johnson*  
- *Larry Greene (pension only)*



**BILL SYNOPSIS**

**Committee: Land Use and Transportation**

**Bill 18-0300**

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**Rezoning - 1600 West 41st Street and Block 3575C, Lot 374**

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**Sponsor:** Councilmember Pinkett

**Introduced:** October 29, 2018

**Purpose:**

For the purpose of changing the zoning for the property known as 1600 West 41st Street (Block 3575C, Lot 198A), as outlined in red on the accompanying plat, from the I-2 Zoning District to the I-MU Zoning District, and for the property known as Block 3575C, Lot 374, as outlined in blue on the accompanying plat, from the R-6 Zoning District to the I-MU Zoning District.

**Effective:** 30<sup>th</sup> day after enactment

**Hearing Date/Time/Location:** January 23, 2019 /1:05 p.m./Clarence "Du" Burns Chambers

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**Agency Reports**

Planning Commission	Favorable
Board of Municipal and Zoning Appeals	
Department of Law	
Department of Transportation	No Objection
Department of Housing and Community Development	
Baltimore Development Corporation	Favorable
Parking Authority of Baltimore City	No Objection

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## Analysis

### Current Law

Article 32 – Zoning District Map; Sheet 24; Baltimore City Revised Code (Edition 2000)

### Background

If approved, Bill 18-0300 would rezone the property located at 1600 West 41<sup>st</sup> Street from the I-2 to I-MU Zoning District. The property is also known as Block 3575C, Lot 198A. The property is owned by 1600 W. 41<sup>st</sup> Street LLC, who intends to use the site for office and other commercial uses. The 1.630-acre site is improved with a one-story detached commercial building measuring approximately 332' by 75'. An 85' by 58' addition to the primary structure was constructed on two lots (Lot 198A and Lot 368).

Three lots (Lots 198A, 368 and 374) will be impacted by the proposed rezoning. In 2017, Lot 374, was created from Lot 368 and zoned Residential R-6 for the "Hedwin Site", a residential development. If approved, Bill 18-0300 would rezone that property from Residential R-6 to Industrial Mixed Use I-MU.

Attached are Use Tables for the R-6 and I-MU Zoning Districts. Descriptions of the current and proposed zoning districts are below:

### Current Zoning District – R-6

#### § 9-202. R-6 Garden Rowhouse Residential District.

##### *(a) Neighborhoods.*

The R-6 Garden Rowhouse Residential Zoning District is intended for primarily low density rowhouse neighborhoods that reflect a naturalistic environment typified by open and landscaped front yards of buildings that are set back and that contain stoops and porches oriented to those yards. (b) Housing types. The R-6 District is meant to accommodate single-family units in both detached and semidetached dwellings, rowhouse developments, and multi-family developments of a moderate density.

### Proposed Zoning District – I-MU

#### § 11-203. I-MU Industrial Mixed-Use District.

*(a) Intent.*

The I-MU Industrial Mixed-Use Zoning District is intended to encourage the reuse of older industrial buildings for light industrial use, as well as a variety of non-industrial uses. These older industrial buildings are often surrounded by residential and other non-industrial uses.

*(b) Surrounding, non-industrial uses.*

Examples of non-industrial uses, creating a mixed-use or multi-tenant environment, include:

- (1) live-work dwellings;
- (2) residential uses;
- (3) commercial uses; and
- (4) limited institutional uses.

*(c) Floor area requirement for certain uses.*

In the I-MU district:

- (1) an industrial use must account for a floor area (located anywhere in any building on the same lot) equal to at least 50% of the total ground floor area of all buildings on the lot; or
- (2) a use other than residential and other than parking must account for a floor area (located anywhere in any building on the same lot) equal to at least 60% of the total ground-floor area of all buildings on the lot.

*(d) Floor area exception.*

Subsection (c) of this section does not apply to lots located within 300 feet of a residential zoning district.

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**Additional Information**

**Fiscal Note:** Not Available

**Information Source(s): Planning Department Report**

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Analysis by: Jennifer L. Coates  
Analysis Date: January 17, 2019



Direct Inquiries to: (410) 396-1260



**CITY OF BALTIMORE  
COUNCIL BILL 18-0300  
(First Reader)**

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Introduced by: Councilmember Pinkett

At the request of: 1600 W 41<sup>st</sup> Street LLC

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

Telephone: 410-727-6600

Introduced and read first time: October 29, 2018

Assigned to: Land Use and Transportation Committee

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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

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**A BILL ENTITLED**

1 AN ORDINANCE concerning

2 **Rezoning – 1600 West 41<sup>st</sup> Street and Block 3575C, Lot 374**

3 FOR the purpose of changing the zoning for the property known as 1600 West 41<sup>st</sup> Street (Block  
4 3575C, Lot 198A), as outlined in red on the accompanying plat, from the I-2 Zoning District  
5 to the I-MU Zoning District, and for the property known as Block 3575C, Lot 374, as  
6 outlined in blue on the accompanying plat, from the R-6 Zoning District to the I-MU Zoning  
7 District.

8 BY amending

9 Article 32 - Zoning  
10 Zoning District Map  
11 Sheet 24  
12 Baltimore City Revised Code  
13 (Edition 2000)

14 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That  
15 Sheet 24 of the Zoning District Map is amended by changing from the I-2 Zoning District to the  
16 I-MU Zoning District the property known as 1600 West 41<sup>st</sup> Street (Block 3575C, Lot 198A), as  
17 outlined in red on the plat accompanying this Ordinance and by changing from the R-6 Zoning  
18 District to the I-MU Zoning District the property known as Block 3575C, Lot 374, as outlined in  
19 blue on the plat accompanying this Ordinance.

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

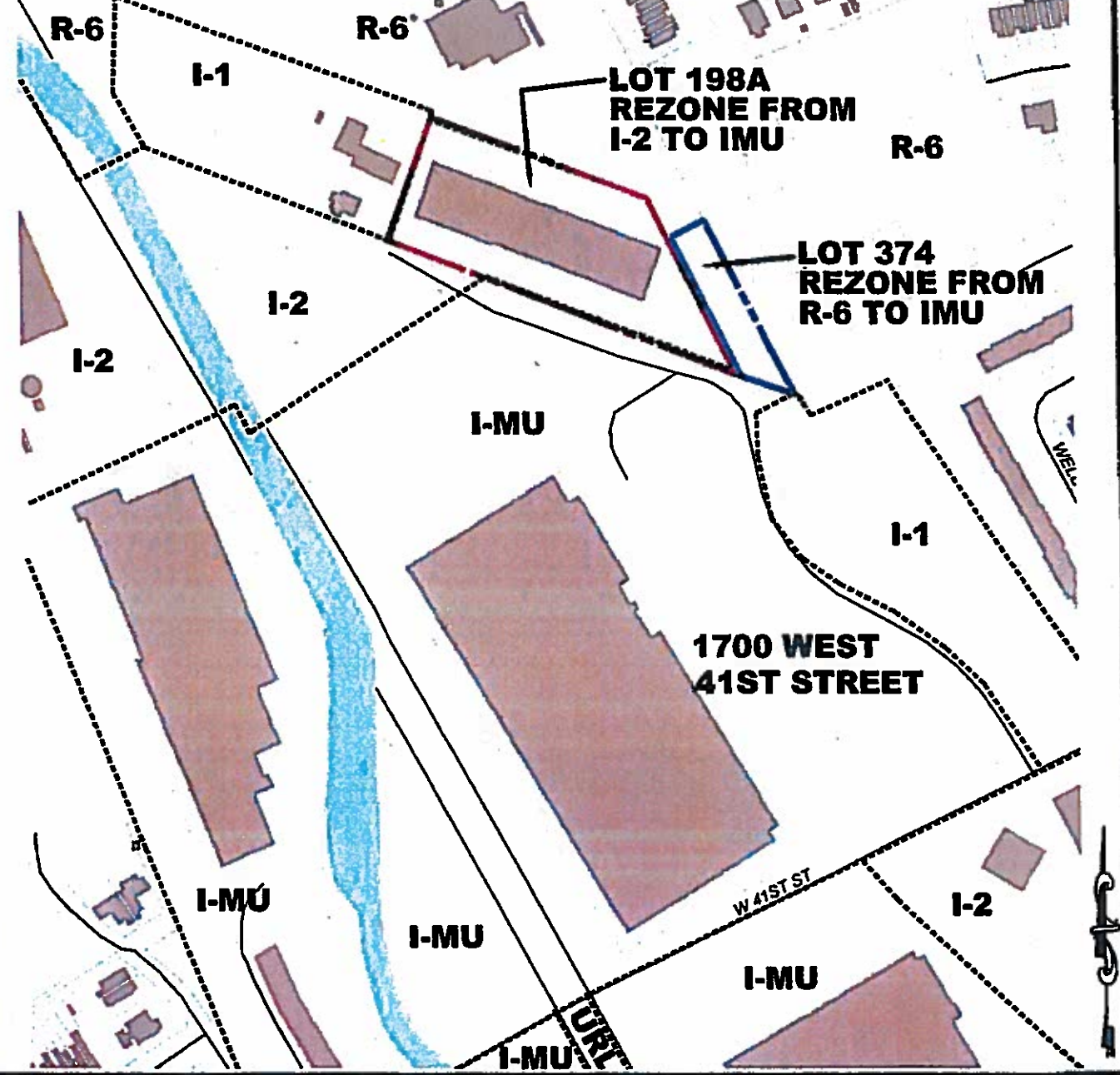
EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.

**Council Bill 18-0300**

1 Housing and Community Development, the Supervisor of Assessments for Baltimore City, and  
2 the Zoning Administrator.

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

SHEET NO. 24 OF THE ZONING DISTRICT MAPS OF THE BALTIMORE CITY ZONING CODE



1600 West 41st Street  
 Ward 13 Section 15  
 Block 3575-C Lot 198A & 374  
 City of Baltimore, Maryland

Plan Prepared By:  
 Gower Thompson Inc.  
 P.O. Box 19059  
 Towson, MD 21284  
 410-532-0101 gowerthomp@aol.com

Applicant: 1600 West 41st Street LLC  
 301 W. 29th Street, Suite 2002  
 Baltimore, Maryland 21211  
 Evan Morville (443-692-9945)  
 emorville@seawaldevelopment.com

Area outlined in red to be rezoned from the I-2 District to the IMU District, and area outlined in blue to be rezoned from the R-6 District to the IMU District

\_\_\_\_\_  
 Mayor

October 10, 2018



\_\_\_\_\_  
 President City Council

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**LAND USE AND TRANSPORTATION COMMITTEE**  
**Attachment**

**BILL 18-0300**

**Zoning - Use Table**



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**TABLE 9-301: ROWHOUSE AND MULTI-FAMILY RESIDENTIAL DISTRICTS – PERMITTED AND CONDITIONAL USES**

USES	DISTRICTS						USE STANDARDS
	R-5	R-6	R-7	R-8	R-9	R-10	
<b>RESIDENTIAL</b>							
Day-Care Home: Adult or Child	P	P	P	P	P	P	Per § 14-310
Dwelling: Detached or Semi-Detached	P	P	P	P	P	CB	
Dwelling: Multi-Family	P	P	P	P	P	P	Per § 14-327
Dwelling: Rowhouse	P	P	P	P	P	P	
Fraternity or Sorority House					CO	CO	Per § 14-313
Home Occupation	P	P	P	P	P	P	Per § 15-507
Residential-Care Facility (16 or Fewer Residents)	P	P	P	P	P	P	Per § 14-334
Residential-Care Facility (17 or More Residents)	CB	CB	CB	CB	CB	CB	Per § 14-334
Rooming House (10 or Fewer Units)				CB	CB	CB	
Rooming House (11 or More Units)					CB	CB	
<b>INSTITUTIONAL</b>							
Community Center	CB	CB	CB	CB	CB	CB	
Cultural Facility	CB	CB	CB	CB	CB	CB	Per § 14-308
Educational Facility: Post-Secondary	CB	CB	CB	CB	CB	CB	
Educational Facility: Primary and Secondary	P	P	P	P	P	P	
Government Facility	CB	CB	CB	CB	CB	CB	
Hospital	CB	CB	CB	CB	CB	CB	
Place of Worship	P	P	P	P	P	P	Per § 14-332

	<i>R-5</i>	<i>R-6</i>	<i>R-7</i>	<i>R-8</i>	<i>R-9</i>	<i>R-10</i>	
<b>OPEN-SPACE</b>							
Community-Managed Open-Space Farm	CB	CB	CB	CB	CB	CB	Per § 14-307
Community-Managed Open-Space Garden	P	P	P	P	P	P	Per § 14-307
Park or Playground	P	P	P	P	P	P	
Urban Agriculture	CB	CB	CB	CB	CB	CB	Per § 14-339
<b>COMMERCIAL</b>							
Day-Care Center: Adult or Child	CB	CB	CB	CB	CB	CB	Per § 14-309
Lodge or Social Club	CB	CB	CB	CB	CB	CB	Per § 14-320
Neighborhood Commercial Establishment	CB	CB	CB	CB	CB	CB	Per § 14-328
<b>OTHER</b>							
Alternative Energy System: Community-Based <sup>1</sup>	CB, P	CB, P	CB, P	CB, P	CB, P	CB, P	Per § 14-306
Electric Substation: Enclosed, Indoor, or Outdoor	CB	CB	CB	CB	CB	CB	Per § 14-340
Parking Garage (Principal Use)	CO	CO	CO	CO	CO	CO	Per § 14-331
Parking Lot (Principal Use)	CO	CO	CO	CO	CO	CO	Per § 14-331
Telecommunications Facility	CB	CB	CB	CB	CB	CB	Per § 14-338
Utilities	CB	CB	CB	CB	CB	CB	Per § 14-340
Wireless Communications Services <sup>2</sup>	CB, P	CB, P	CB, P	CB, P	CB, P	CB, P	Per § 14-338

<sup>1</sup> A Community-Based Alternative Energy System: (i) if on a lot less than 0.5 acre in lot area, requires conditional-use approval by the Zoning Board, and (ii) if on a lot 0.5 acres or more in lot area, is a permitted use.

<sup>2</sup> Only Wireless Communication Services that are modifications to – and do not substantially change the physical dimension of – an existing telecommunications facility, are considered permitted uses.

(Ord. 16-581; Ord. 17-015.)



**TABLE 11-301: INDUSTRIAL DISTRICTS – PERMITTED AND CONDITIONAL USES**

USES	DISTRICTS						USE STANDARDS
	OIC	BSC	I-MU	I-1	I-2	MI	
<b>RESIDENTIAL</b>							
Dwelling (Above Non-Residential Ground Floor)		P	P				
Dwelling: Live-Work			P	CB			
Dwelling: Multi-Family		P	P				
Dwelling: Rowhouse		P					
Residential-Care Facility (16 or Fewer Residents)		P	P				Per § 14-334
Residential-Care Facility (17 or More Residents)		CB	CB				Per § 14-334
Rooming House			CB				
<b>INSTITUTIONAL</b>							
Cultural Facility			CB				Per § 14-308
Educational Facility: Commercial-Vocational	P	P	P	P	CB	CB	
Educational Facility: Post-Secondary	CB	CB	CB				
Educational Facility: Primary and Secondary		P	P				
Government Facility	P	P	P	P	P	P	
Homeless Shelter			CO				
Hospital		P	CO				
<b>OPEN-SPACE</b>							
Community-Managed Open-Space Farm	CB	CB	CB				Per § 14-307
Community-Managed Open-Space Garden	P	P	P				Per § 14-307
Park or Playground	P	P	P				
Urban Agriculture	P	P	P	P			Per § 14-339

	<i>OIC</i>	<i>BSC</i>	<i>I-MU</i>	<i>I-1</i>	<i>I-2</i>	<i>MI</i>	
<b>COMMERCIAL</b>							
Animal Clinic			P	P			Per § 14-317
Art Gallery			P				
Arts Studio			P				
Arts Studio: Industrial	P		P	P			
Banquet Hall	CB						Per § 14-302
Body Art Establishment			P				
Broadcasting Station (TV or Radio)	P		P	P			
Car Wash				P	P		Per § 14-304
Carry-Out Food Shop		P	P	CB	CB		
Day-Care Center: Adult or Child	P	P	P	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	Per § 14-309
Drive-Through Facility	CB						Per § 14-311
Entertainment: Indoor		P	P				Per § 14-312
Entertainment: Live			CB				Per § 14-319
Entertainment: Live (Accessory to Restaurant, Tavern, Art Studio, or Art Gallery)		CB					Per § 14-319
Financial Institution	P <sup>2</sup>	P	P				
Gas Station				CB	CB		Per § 14-314
Greenhouse		P	P	P			Per § 14-339
Health-Care Clinic	P	P	P				
Health and Fitness Center	P	P	P				
Heavy Sales, Rental, or Service			CO	CB			
Hotel or Motel	P	P	CB				
Kennel			CB	P			Per § 14-317
Lodge or Social Club			P	CB	CB	CB	Per § 14-320
Motor Vehicle Service and Repair: Major				CB	CB		Per § 14-326
Motor Vehicle Service and Repair: Minor			CO	CB	CB		Per § 14-326
Nursery		P	P	P			Per § 14-339
Office	P	P	P	CB <sup>2,3</sup>	CB <sup>2,3</sup>	CB <sup>2,3</sup>	

<i>Commercial (cont'd)</i>	<i>OIC</i>	<i>BSC</i>	<i>I-MU</i>	<i>I-1</i>	<i>I-2</i>	<i>MI</i>	
Outdoor Dining		P	P				Per § 14-329
Personal Services Establishment	P <sup>2</sup>	P	P	CB			
Recreation: Indoor		P	P				Per § 14-312
Recreation: Outdoor			CB				Per § 14-312
Restaurant	P <sup>2</sup>	P	P	CB	CB		
Retail Goods Establishment (No Alcoholic Beverages Sales)	CB	P	P	CB			
Retail Goods Establishment (With Alcoholic Beverages Sales)		P	CO	CB			Per § 14-336
Tavern		P	CO	CB	CB		Per § 14-337
Truck Repair				P	P		
<b>INDUSTRIAL</b>							
Alternative Energy System: Commercial	P	P	P	P	P		
Boat Manufacturing, Repair, and Sales			CB	P	P	CB	Per § 14-303
Commercial Composting Facility				CB	P		Per § 14-305
Contractor Storage Yard				P	P		Per § 14-330
Food Processing: Light	P		P	P			
Freight Terminal				P	P	P	
Heliport		CB		CB	CB		
Helistop		CB		CB	CB		
Industrial Boat Repair Facility					P	P	Per § 14-323
Industrial: General					P	CB	Per § 14-315
Industrial: Light	P	P	P	P	P		
Industrial: Maritime-Dependent					P	P	
Landfill: Industrial					CB		Per § 14-318
Marina: Dry Storage			CB	P	P		Per § 14-323
Marine Terminal					P	P	
Materials Recovery Facility					P		Per § 14-324
Mini-Warehouse			P	P			

<b>Industrial (cont'd)</b>	<b>OIC</b>	<b>BSC</b>	<b>I-MU</b>	<b>I-1</b>	<b>I-2</b>	<b>MI</b>	
Motor Vehicle Operations Facility				P	P		
Movie Studio	P		P	P	P		
Outdoor Storage Yard				P	P	P	Per § 14-330
Passenger Terminal			P	P	P	P	
Recyclable Materials Recovery Facility				P	P		Per § 14-333
Recycling Collection Station				CB	CB		Per § 15-514
Recycling and Refuse Collection Facility				P	P		
Research and Development Facility	P	P	P	P	P	P	
Resource Recovery Facility					CB		Per § 14-335
Shipyards					P	P	
Truck Stop				P	P		
Truck Terminal				P	P		
Warehouse	P		P	P	P	P	
Waterfreight Terminal					P	P	
Wholesale Goods Establishment	P		P	P	P		
<b>OTHER</b>							
Alternative Energy System: Community-Based	P	P	P	P	P	P	Per § 14-306
Electric Substation: Enclosed or Indoor	P	P	P	P	P	P	Per § 14-340
Electric Substation: Outdoor	CB	CB	CB	CB	P	P	Per § 14-340
Parking Garage (Principal Use)	P	P	CO	P	P	P	Per § 14-331
Parking Lot (Principal Use)	P	P	CO	P	P	P	Per § 14-331
Telecommunications Facility <sup>4</sup>	CB, P	CB, P	CB, P	CB, P	CB, P	CB, P	Per § 14-338
Utilities	CB	CB	CB	CB	CB	CB	Per § 14-340
Wireless Communications Services <sup>5</sup>	CB, P	CB, P	CB, P	CB, P	CB, P	CB, P	Per § 14-338

<sup>1</sup> Allowed only when (i) accessory to an office structure, research and development facility, or industrial use, and (ii) integrated into that structure, facility, or use to serve its employees.

<sup>2</sup> Allowed only when secondary to a primary industrial use.

<sup>3</sup> Office uses legally established as of the effective date of this Code are deemed conforming and are not required to be secondary to a primary industrial use.

<sup>4</sup> Only telecommunications base stations that comply with the stealth design standards of § 14-338 are considered permitted uses.

<sup>5</sup> Only Wireless Communication Services that are modifications to – and do not substantially change the physical dimension of – an existing telecommunications facility, are considered permitted uses.

*(Ord. 16-581; Ord. 17-015; Ord. 18-171.)*



## Coates, Jennifer

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**From:** Coates, Jennifer  
**Sent:** Monday, December 03, 2018 6:33 PM  
**To:** Caroline Hecker (checker@rosenbergmartin.com)  
**Cc:** Pinkett, Leon; Austin, Natawna B.  
**Subject:** Public Notice Instructions for Bill 18-0300  
**Attachments:** LU Form - Contacts for Sign Posting RZ PUD.docx; Sample - Certificate of Posting - Attachment C.docx; Afro American; Michele Griesbauer - Sunpaper - Advertising; Darlene Miller - Daily Record; PNI - Letter - 18-0300 - RZ - 1600 W 41st.docx

Ms. Hecker:

Attached is the information you will need to post and publish public hearing notices for the subject bill to be heard by the Land Use and Transportation Committee on **January 23, 2019 at 1:05 p.m.** at City Hall in the City Council Chamber. I have also attached a contact list for sign makers, business cards for newspaper contacts and a sample certification template.

Thank you and feel free to call if you need more information.

**PLEASE ACKNOWLEDGE RECEIPT OF THIS EMAIL**



**Jennifer L. Coates**

*Senior Legislative Policy Analyst  
Office of Council Services*

100 N. Holliday Street, Room 415  
Baltimore, MD 21202

[jennifer.coates@baltimorecity.gov](mailto:jennifer.coates@baltimorecity.gov)

OFFICE OF COUNCIL SERVICES

Office: (410) 396-1260

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

CATHERINE E. PUGH, 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:** 1600 W. 41<sup>st</sup> Street, LLC c/o Caroline L. Hecker, Esquire

**FROM:** Jennifer L. Coates, Committee Staff, Land Use and Transportation Committee, Baltimore City Council

**Date:** December 4, 2018

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

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

**Bill:** City Council Bill No. 18-0300

**Date:** Wednesday, January 23, 2019

**Time:** 1:05 p.m.

**Place:** City Council Chambers, 4<sup>th</sup> 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 from 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, 30 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 date is 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 sent four (4) days prior to the hearing to:

Ms. Natawna Austin, Executive Secretary  
Baltimore City Council  
100 N. Holliday Street, Fourth Floor, Room 400  
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:**

<b><i>Newspaper Ad:</i></b>	<b><i>January 8, 2019</i></b>
<b><i>Sign Posting Deadline:</i></b>	<b><i>December 24, 2018</i></b>
<b><i>Written Notice to Property Owners:</i></b>	<b><i>January 8, 2019</i></b>

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:

Ms. Jennifer L. Coates, Committee Staff  
Baltimore City Council,  
Land Use and Transportation Committee  
410-396-1260  
[Jennifer.Coates@baltimorecity.gov](mailto:Jennifer.Coates@baltimorecity.gov).



THE INFORMATION BETWEEN THE DOUBLE LINES (SEE BELOW) MUST BE **POSTED BY DECEMBER 24, 2018 AND PUBLISHED BY WEDNESDAY, JANUARY 8, 2019**, AS DISCUSSED ON THE PREVIOUS PAGE AND OUTLINED ON ATTACHMENT B.

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**BALTIMORE CITY COUNCIL**

**PUBLIC HEARING ON BILL NO. 18-0300**

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, January 23, 2019 at 1:05 p.m. in the City Council Chambers, 4<sup>th</sup> floor, City Hall, 100 N. Holliday Street to conduct a public hearing on City Council Bill No. 18-0300.

**CC 18-0300 ORDINANCE - Rezoning - 1600 West 41<sup>st</sup> Street and Block 3575C, Lot 374**

FOR the purpose of changing the zoning for the property known as 1600 West 41<sup>st</sup> Street (Block 3575C, Lot 198A), as outlined in red on the accompanying plat, from the I-2 Zoning District to the I-MU Zoning District, and for the property known as Block 3575C, Lot 374, as outlined in blue on the accompanying plat, from the R-6 Zoning District to the I-MU Zoning District.

BY amending  
Article 32 - Zoning  
Zoning District Map  
Sheet 24  
Baltimore City Revised Code  
(Edition 2000)

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

Applicant: 1600 West 41<sup>st</sup> Street LLC c/o Caroline L. Hecker, Esquire

For more information contact: Committee Staff at (410) 396-1260.

EDWARD REISINGER

Chair

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**SEND CERTIFICATION OF PUBLICATION TO:  
ADVERTISEMENT TO:**

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

**SEND BILL FOR THIS**

Ms. Caroline L. Hecker, Esquire  
Rosenberg Martin Greenberg, LLP  
25 S. Charles Street, 21<sup>st</sup> 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.



**CITY OF BALTIMORE  
COUNCIL BILL 18-0300  
(First Reader)**

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Introduced by: Councilmember Pinkett

At the request of: 1600 W 41<sup>st</sup> Street LLC

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

Telephone: 410-727-6600

Introduced and read first time: October 29, 2018

Assigned to: Land Use and Transportation Committee

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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

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Rezoning – 1600 West 41<sup>st</sup> Street and Block 3575C, Lot 374**

3 FOR the purpose of changing the zoning for the property known as 1600 West 41<sup>st</sup> Street (Block  
4 3575C, Lot 198A), as outlined in red on the accompanying plat, from the I-2 Zoning District  
5 to the I-MU Zoning District, and for the property known as Block 3575C, Lot 374, as  
6 outlined in blue on the accompanying plat, from the R-6 Zoning District to the I-MU Zoning  
7 District.

8 BY amending

9 Article 32 - Zoning  
10 Zoning District Map  
11 Sheet 24  
12 Baltimore City Revised Code  
13 (Edition 2000)

14 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That  
15 Sheet 24 of the Zoning District Map is amended by changing from the I-2 Zoning District to the  
16 I-MU Zoning District the property known as 1600 West 41<sup>st</sup> Street (Block 3575C, Lot 198A), as  
17 outlined in red on the plat accompanying this Ordinance and by changing from the R-6 Zoning  
18 District to the I-MU Zoning District the property known as Block 3575C, Lot 374, as outlined in  
19 blue on the plat accompanying this Ordinance.

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

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

**Council Bill 18-0300**

1 Housing and Community Development, the Supervisor of Assessments for Baltimore City, and  
2 the Zoning Administrator.

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

**INTRODUCTORY\***  
**CITY OF BALTIMORE**  
**COUNCIL BILL \_\_\_\_\_**

APPROVED FOR FORM STYLE, AND TENTHIAL SUFFIENCY
10-22-18
DEPT. LEGISLATIVE REFERENCE

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Introduced by: Councilmember Pinkett  
At the request of: 1600 W 41<sup>st</sup> Street LLC  
Address: c/o Caroline L. Hecker, Esquire, Rosenberg | Martin | Greenberg LLP, 25 South  
Charles Street, Suite 21<sup>st</sup> Floor, Baltimore, Maryland 21201  
Telephone: 410-727-6600

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A BILL ENTITLED

AN ORDINANCE concerning

**Rezoning – 1600 West 41<sup>st</sup> Street and Block 3575C, Lot 374**

FOR the purpose of changing the zoning for the property known as 1600 West 41<sup>st</sup> Street (Block 3575C, Lot 198A), as outlined in red on the accompanying plat, from the I-2 Zoning District to the I-MU Zoning District, and for the property known as Block 3575C, Lot 374, as outlined in blue on the accompanying plat, from the R-6 Zoning District to the I-MU Zoning District.

BY amending

Article 32 - Zoning  
Zoning District Map  
Sheet 24  
Baltimore City Revised Code  
(Edition 2000)

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That Sheet 24 of the Zoning District Map is amended by changing from the I-2 Zoning District to the I-MU Zoning District the property known as 1600 West 41<sup>st</sup> Street (Block 3575C, Lot 198A), as outlined in red on the plat accompanying this Ordinance and by changing from the R-6 Zoning District to the I-MU Zoning District the property known as Block 3575C, Lot 374, 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 30<sup>th</sup> 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**

**REZONING – 1600 W. 41<sup>ST</sup> STREET AND BLOCK 3575C, LOT 374**

1. Applicant's name, address and telephone number: 1600 W. 41<sup>st</sup> Street LLC c/o Caroline L. Hecker, Rosenberg Martin Greenberg, LLP, 25 S. Charles Street, 21<sup>st</sup> Floor, Baltimore, MD 21201 (410) 727-6600
2. All proposed changes for the property: Rezone 1600 W. 41<sup>st</sup> Street from the I-2 Zoning District to the IMU Zoning District; rezone Block 3575C, Lot 374 from the R-6 Zoning District to the IMU Zoning District.
3. All intended uses of the property: Office and other commercial uses
4. Current owner's name, address, and telephone number:

<u>Address</u>	<u>Owner Information</u>
1600 W. 41 <sup>st</sup> Street	1600 W 41 <sup>st</sup> Street LLC 301 W. 29 <sup>th</sup> Street, Ste. 2002 Baltimore, MD 21211
Block 3575C, Lot 374	1600 W 41 <sup>st</sup> Street LLC 301 W. 29 <sup>th</sup> Street, Ste. 2002 Baltimore, MD 21211

5. The property was acquired by the current owner by deed recorded in the Land Records of Baltimore City in:

<u>Address</u>	<u>Reference</u>
1600 W. 41 <sup>st</sup> Street	Liber MB 19697, folio 124
Block 3575C, Lot 374	Liber MB 20222, folio 197

6. (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. (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 {use additional sheet if necessary}: N/A

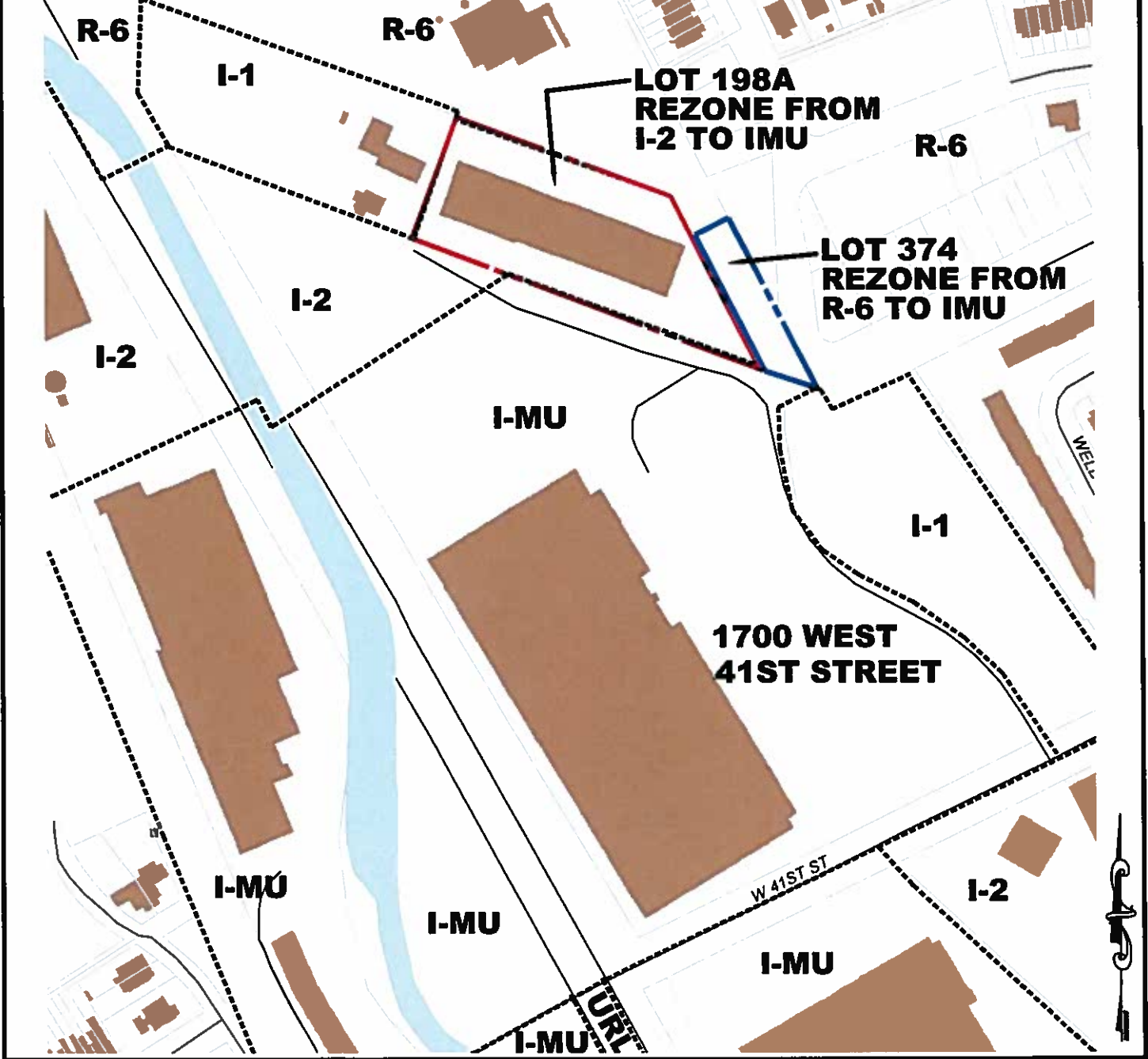
**AFFIDAVIT**

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.

By: Caroline L. Hecker  
Caroline L. Hecker, Authorized Agent

10/10/18  
Date

SHEET NO. 24 OF THE ZONING DISTRICT MAPS OF THE BALTIMORE CITY ZONING CODE



**LOT 198A  
REZONE FROM  
I-2 TO IMU**

**LOT 374  
REZONE FROM  
R-6 TO IMU**

**1700 WEST  
41ST STREET**

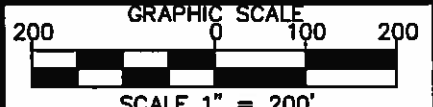
1600 West 41st Street  
Ward 13 Section 15  
Block 3575-C Lot 198A & 374  
City of Baltimore, Maryland

Plan Prepared By:  
Gower Thompson Inc.  
P.O. Box 19059  
Towson, MD 21284  
410-532-0101 gowerthomp@aol.com

Applicant: 1600 West 41st Street LLC  
301 W. 29th Street, Suite 2002  
Baltimore, Maryland 21211  
Evan Morville (443-692-9945)  
emorville@seawalldevelopment.com

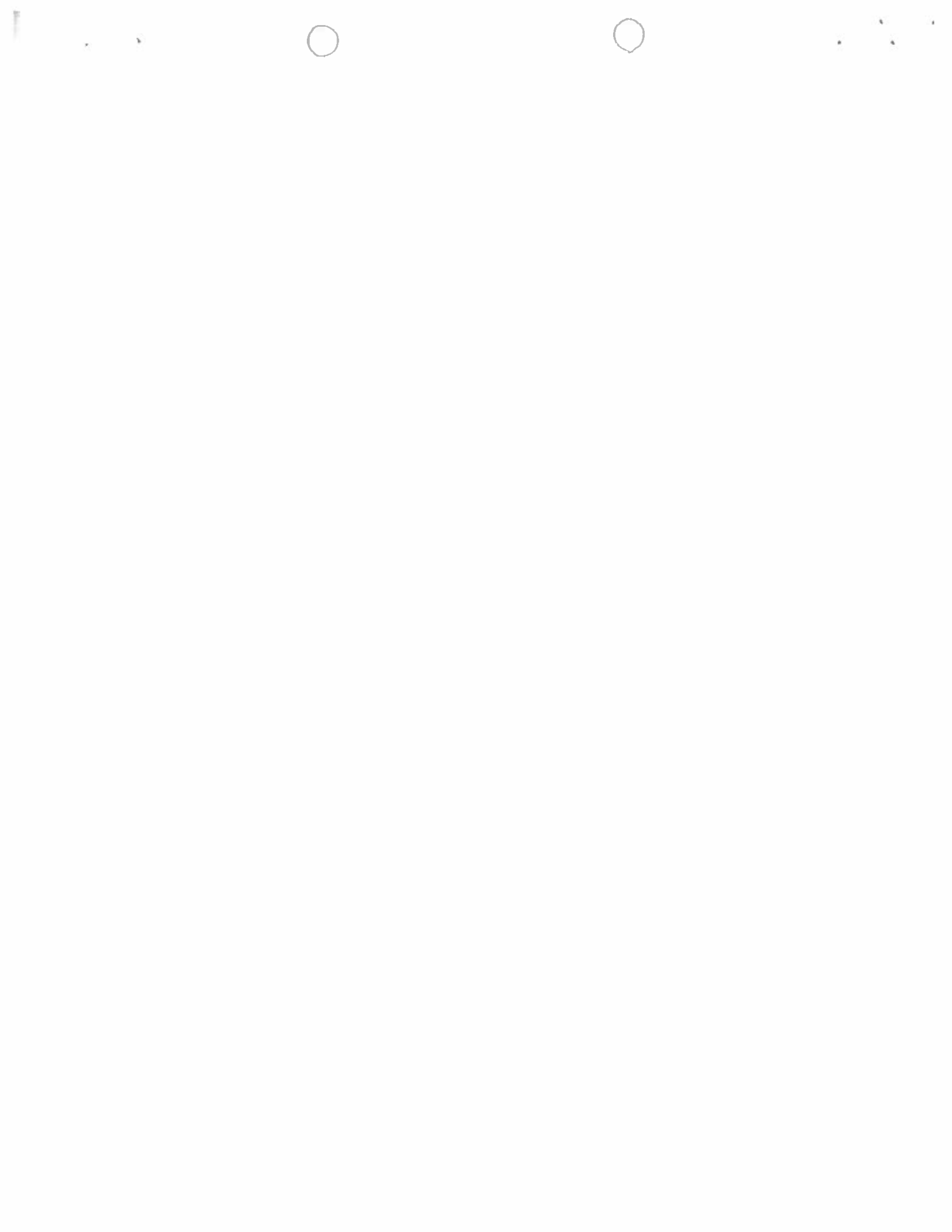
Area outlined in red to be rezoned from the I-2 District to the IMU District, and area outlined in blue to be rezoned from the R-6 District to the IMU District

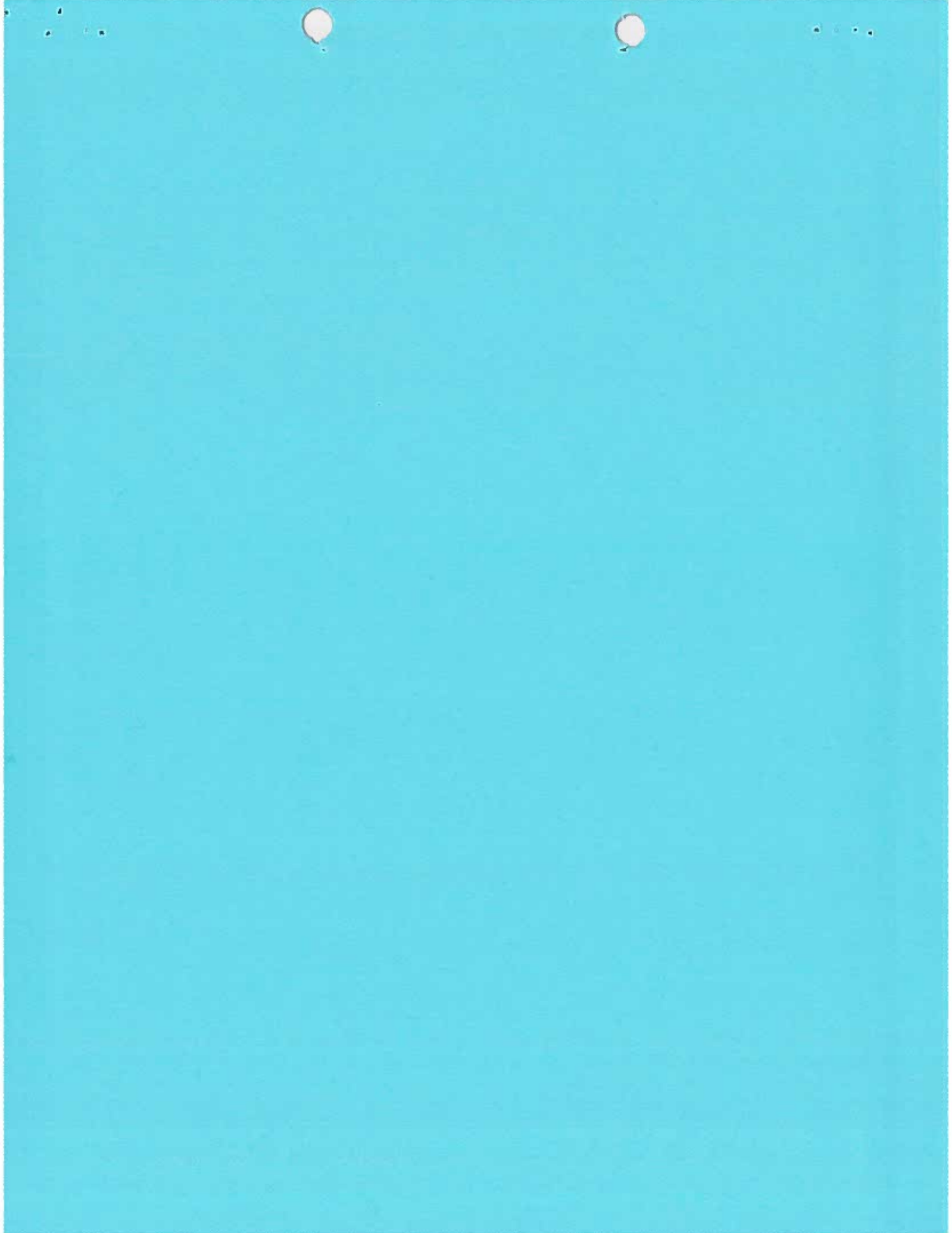
October 10, 2018



\_\_\_\_\_  
Mayor

\_\_\_\_\_  
President City Council





ACTION BY THE CITY COUNCIL

OCT 29 2018

FIRST READING (INTRODUCTION) \_\_\_\_\_ 20 \_\_\_\_\_

PUBLIC HEARING HELD ON January 23, \_\_\_\_\_ 20 19

COMMITTEE REPORT AS OF January 28, \_\_\_\_\_ 20 19

\_\_\_\_\_ FAVORABLE \_\_\_\_\_ UNFAVORABLE \_\_\_\_\_ FAVORABLE AS AMENDED \_\_\_\_\_ WITHOUT RECOMMENDATION

*Edna R. Lewis*  
Chair

COMMITTEE MEMBERS:

COMMITTEE MEMBERS:

\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_

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

JAN 28 2019

\_\_\_\_\_ 20 \_\_\_\_\_

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

THIRD READING \_\_\_\_\_ FEB 04 2019

\_\_\_\_\_ 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.

*Paul D. Jones*

President

*Leann J. Jones*

Chief Clerk