


FROM	NAME & TITLE	CHRIS RYER, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #19-0345 / REZONING – 1401 WOODALL STREET AND 1446 STEVENSON STREET		

DATE:

March 8, 2019

TO

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

At its regular meeting of March 7, 2019, the Planning Commission considered City Council Bill #19-0345, for the purpose of changing the zoning for the property known as 1401 Woodall Street (Block 2016, Lot 074), as outlined in red on the accompanying plat, from the C-2 Zoning District to the TOD-3 Zoning District, and for the property known as 1446 Stevenson Street (Block 2016, Lots 032 and 033), as outlined in red on the accompanying plat, from the I-1 Zoning District to the TOD-3 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended disapproval of City Council Bill #19-0345 and adopted the following resolution; six members being present (six in favor):

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #19-0345 be disapproved by the City Council.

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

CR/ewt

attachment

- cc:
- Mr. 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. Jeff Amoros, 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
 - Mr. Tyrell Dixon, DCHD
 - Ms. Elena DiPietro, Law Dept.
 - Mr. Francis Burnszynski, PABC
 - Mr. Frank Murphy, DOT
 - Ms. Eboni Wimbush, DOT
 - Ms. Natawna Austin, Council Services
 - Mr. Ervin Bishop, Council Services
 - Mr. Joe Woolman, Esq.



Catherine E. Pugh
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Chris Ryer
Director

March 7, 2019

REQUESTS:

- City Council Bill #17-0149/ Rezoning – 1401 Woodall Street and 1446 Stevenson Street:
For the purpose of changing the zoning for the properties known as 1401 Woodall Street and 1446 Stevenson Street (Block 2016, Lots 032 and 033), as outlined in red on the accompanying plat, from the I-1 Zoning District to the C-2 Zoning District.
- City Council Bill #19-0345/ Rezoning – 1401 Woodall Street and 1446 Stevenson Street:
For the purpose of changing the zoning for the property known as 1401 Woodall Street (Block 2016, Lot 074), as outlined in red on the accompanying plat, from the C-2 Zoning District to the TOD-3 Zoning District, and for the property known as 1446 Stevenson Street (Block 2016, Lots 032 and 033), as outlined in red on the accompanying plat, from the I-1 Zoning District to the TOD-3 Zoning District.

RECOMMENDATIONS:

- City Council Bill #17-0149: Disapproval
- City Council Bill #19-0345: Disapproval

STAFF: Eric Tiso

PETITIONER: Woodall GPG, LLC, c/o Joseph R. Woolman, III

OWNER: Woodall GPG, LLC

SITE/GENERAL AREA

Site Conditions: 1401 Woodall Street is located on the southeastern corner of the intersection with Key Highway. The lot measures 51'10" by 155'4", and is currently zoned C-2 Commercial. 1446 Stevenson Street, and the adjacent unaddressed lot are located on the western side of the street, and are adjacent to 1401 Woodall Street. These two lots are zoned I-1 Industrial.

General Area: These properties are located in the eastern edge of the Riverside neighborhood, near the edge of the Locust Point neighborhood.

HISTORY

There are no previous legislative or Planning Commission actions regarding these sites.

ANALYSIS

Introduction: These bills are designed to align the zoning of these three parcels into a singular category, to enable the redevelopment of these lots. These two bills represent two alternatives, where CCB #17-0149 proposes to make all three of the lots C-2, while CCB #19-0345 rezones all three properties to TOD-3 as an alternative option. Staff notes that CCB #17-0149 makes reference to all three properties in the bill caption, though 1401 Woodall Street is already zoned C-2, and so does not need to be referenced. The associated plat map correctly depicts the current state of the properties, and only highlights the two lots on Stevenson Street as being rezoned. Should this bill be approved, the caption of the bill should be corrected accordingly.

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 neither of these proposed changes are in the public's interest, in that it will allow for a significant amount of development that will be incompatible with the existing two-story rowhomes immediately adjacent to the subject properties to the west. The TOD-3 proposal will result in even more potential development than the C-2 proposal, both in terms of vertical height, as well as overall intensity of use, and is even less compatible with surrounding properties.

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:** Prior to the comprehensive rezoning of the City that went into effect in June of 2017, these lots were zoned M-3 for industrial uses. The staff recommendation for these lots were for I-1 industrial use, but in the final adopted maps, 1401 Woodall Street was zoned C-2 for commercial use, while the other two lots kept the original recommended I-1 industrial designation.
2. **The needs of Baltimore City:** There is no apparent need for additional commercial zoning in this area of the City, and the desire for rezoning appears to be motivated by contemplated redevelopment options.
3. **The needs of the particular neighborhood:** These lots are adjacent to existing two-story rowhomes, which will be significantly impacted by the potential development made possible by C-2 zoning, or TOD-3 zoning (up to 100' in height in either case).

Similarly, the Land Use article requires the City Council to make findings of fact (*cf.* Md. LAND USE Code Ann. 2012, §10-304). The findings of fact include:

1. **Population changes;** There have been no significant changes in population in this area, since the time of the last comprehensive rezoning of this area.
2. **The availability of public facilities;** This area is served by public utilities and services, which will support a range of redevelopment options for this site.
3. **Present and future transportation patterns;** These properties are set within the existing street grid of the neighborhood, which are local streets serving the Riverside and Locust Point neighborhoods, connecting to Key Highway to the west.
4. **Compatibility with existing and proposed development for the area;** These proposals both represent a significant increase in potential development, both in terms of building height, as well as intensity of use. This increase will be incompatible with the lower heights of the adjacent residential properties and light industrial properties.
5. **The recommendations of the Planning Commission and the Board of Municipal and Zoning Appeals (BMZA);** For the above reasons, the Planning Department will recommend disapproval of the rezoning requests to the Planning Commission. The BMZA's recommendation for CCB #17-0149 was to take no position, as their review of a development project on this site (via BMZ2018-00072 is in active litigation), but they have not yet commented on CCB #19-0345.
6. **The relation of the proposed amendment to the City's plan.** Planning staff does not believe that these two zoning alternatives meet any need in the City's plan. Expanding on the isolated C-2 zoning would be difficult enough to justify, which is made all the harder for a further increase under TOD-3. Staff sees these proposals as simply spot zoning, where the a zoning classification is selected that meets the needs of the desired potential development, rather than choosing a classification appropriate for its area, and allowing it to guide development.

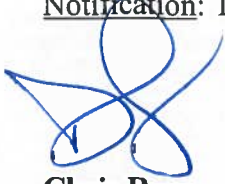
There are additional standards under §5-508(b)(3) that must be considered for map amendments. These include:

- (i) **existing uses of property within the general area of the property in question;** The last uses of these properties was for an industrial building (1401 Woodall Street), and undeveloped lots. There are adjacent rowhomes to the west, and industrial uses to the east and north.
- (ii) **the zoning classification of other property within the general area of the property in question;** These properties are located at the borders of R-8 residential, I-1 industrial, and MI maritime industrial zoned property.
- (iii) **the suitability of the property in question for the uses permitted under its existing zoning classification; and**
 - For the proposed C-2 zoning: “The C-2 Community Commercial Zoning District is intended for areas of small to medium scale commercial use, typically located along urban corridors, that are designed to accommodate pedestrians and, in some instances, automobiles.” And, “The C-2 District standards are crafted to: (1) ensure compatibility among neighboring residential, commercial, and entertainment uses; (2) maintain the proper scale of commercial use; and (3) maintain a balance between high traffic volume and pedestrian circulation.” (*cf.* §10-204). Where C-2 zoning exists around the City, it is usually zoned along corridors on significant streets, or in nodes as intersections of commercial corridors, or as an extension of more intense C-3 zoned commercial areas. It is rare to see C-2 zoning applied in isolation, and in those rare instances was done to reflect existing uses of land, rather than to overcome existing zoning to allow greater potential future development.
 - For the proposed TOD-3 zoning: Transit-Oriented Development Districts are established for areas around existing and anticipated transit stations. Specifically, the TOD-3 Transit-Oriented Development District is characterized by significant height and a limited retail use mix (§12-0401). There are no existing or proposed transit stations in the surrounding neighborhoods that would support TOD-3 designation.
- (iv) **the trend of development, if any, in the general area of the property in question, including changes, if any, that have taken place since the property in question was placed in its present zoning classification.** There have been no significant changes in the general area since the last comprehensive rezoning of the City in June of 2017.

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. Given that the comprehensive rezoning of the City took place in June of 2017, there hasn’t been enough passage time to possibly find a substantial change in the character of the neighborhood. As for mistake, Planning staff doesn’t see how a mistake might have been made, where these properties were not zoned with more intense zoning than they already had been given. Staff also notes that through the final stages of the legislative

process, the zoning for 1401 Woodall Street was changed from I-1 to C-2 in the draft maps that later were adopted. An opportunity existed at that time to expand on the commercial zoning, the Council elected not to do so. We therefore must presume their review of this area was correct.

Notification: The Locust Point Civic Association has been notified of this action.



Chris Ryer
Director