

# LAND USE COMMITTEE

## FINDINGS OF FACT

### City Council Bill No: 20-0622

MOTION OF THE CHAIR OF THE LAND USE 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:

### **Rezoning - 1312, 1314, 1316, and 1318 East Fort Avenue**

Upon finding as follows with regard to:

(1) Population changes;

The area around the subject properties has been slowly evolving away from industrial use in favor of commercial and mixed-use developments. The recent enactment of Ordinance #20-390 that rezoned 1301 East Fort Avenue, immediately south of the subject properties, to the R-8 residential use will likely contribute to increasing population in the immediate area of the subject properties. The proposed plan for the redevelopment of the 1301 East Fort Avenue site will include approximately 108 rowhomes.

(2) The availability of public facilities;

This area is adequately served by municipal utilities, which will not be negatively impacted by this proposed zoning change.

(3) Present and future transportation patterns;

This area is served by the City's street network, which will not be negatively impacted by this proposed zoning change.

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

1318 East Fort Avenue is the office of Southway Builders and it is currently zoned I-1 industrial. The owner of the property, Littmann Realty, LLC, has been interested in expanding the use of the building into adjacent properties and has been working to assemble properties to do so. 1312, 1314, and 1316 East Fort Avenue are currently zoned R-8 residential. 1312 East Fort Avenue is owned as a private residence and will continue to be a private home, but is included so that a single R-8 property would not

be left between the future C-1 properties. The C-1 zoning proposed for these properties is compatible with the adjacent residential neighborhood, as it is by nature designed to support neighborhood-scale, walkable businesses. Designating these properties as C-1 will also provide a buffer between the existing I-2 zoning of the railway and the adjacent residential neighborhood.

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

The City agencies to which the bill was referred made the following recommendations:

Planning Commission	Favorable
Board of Municipal and Zoning Appeals	Favorable
Department of Transportation	No Objection
City Solicitor	Favorable with Comments
Department of Housing and Community Development	Favorable
Baltimore Development Corporation	Favorable
Parking Authority	Not Opposed

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

The area around the subject properties has been slowly evolving away from industrial use in favor of commercial and mixed-use developments – a trend supported by the comprehensive rezoning of the City in 2017. This change will support the overall development trend in this area and provide a buffer between the railway and the adjacent residential uses.

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

One property is now used as an office and two others are easily convertible for expansion of the office. 1312 East Fort Avenue will remain a private residence, but will have expanded options for future use. The property known as 1301 East Fort Avenue across the street to the south has been recently rezoned to R-8 for redevelopment of 108 townhomes. Properties to the east and north are generally townhome neighborhoods. Beyond the railway to the west of this site is a small group of homes and a corner tavern that transitions into the industrial site of Pfefferkorn's Coffee, Inc.

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

The railway on the west edge of these properties is generally a dividing line between the residential enclave of the Locust Point neighborhood to the east, and the Locust Point Industrial Area neighborhood to the west. The Locust Point neighborhood is predominantly zoned R-8, with the exceptions of Latrobe Park which is zoned OS, and the Planned Unit Development (PUD) for Tide Point, which has IMU-1 zoning and the specific requirements of its PUD. West of the railway and south of East Fort Avenue is the commercial development of 1215 East Fort Avenue through to McHenry Row (which are also PUDs).

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

The existing office in 1318 East Fort Avenue doesn't match the intended use mix of the I-1 zone. While the R-8 rowhomes are certainly acceptable for residential use, they will benefit from the additional mix of uses that C-1 will provide and, once converted to commercial use, will provide a buffer for the adjacent neighborhood from the railway.

- (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;

The slow evolution away from industrial use along the East Fort Avenue corridor continues in favor of commercial and especially mixed-use developments.

- (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:

*Intentionally left blank.*

- (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:

The previous land use category for 1318 East Fort Avenue was for "Contractor and Construction Shops and Yards" which under the old Zoning Code was applied to an office used by a contractor even when outdoor storage was not needed. Under the

current Zoning Code an office is simply an office regardless of whether it is used as an office for a contracting business. 1318 East Fort Avenue was used as an office before the comprehensive rezoning of the City. Based on that use it should have been zoned commercial. For 1312 - 1316 East Fort Avenue, the properties would be better for commercial uses along the busy Fort Avenue corridor. The proposed commercial use of the subject properties will provide a logical buffer and break between the residential neighborhood and the railway. The proposed rezoning will also allow for a variety of uses in the subject buildings, including the expansion of the office use in 1318 East Fort Avenue.

SOURCE OF FINDINGS (Check all that apply):

Planning Report – Planning Commission’s report, dated October 9, 2020, which included the Department of Planning Staff Report, dated October 8, 2020.

Testimony presented at the Committee hearing

Oral – Witness:

- Eric Tiso, Planning Department
- Victor Tervalo, Law Department

Written:

- Department of Transportation, Agency Report – Dated November 3, 2020
- Board of Municipal and Zoning Appeals, Agency Report – Dated October 26, 2020
- Law Department, Agency Report – Dated October 21, 2020
- Department of Housing and Community Development, Agency Report – Dated October 26, 2020
- Baltimore Development Corporation, Agency Report – Dated October 28, 2020
- Parking Authority, Agency Report – Dated October 21, 2020

**COMMITTEE MEMBERS VOTING IN FAVOR**

Edward Reisinger, Chair  
Shannon Sneed, Vice Chair  
Mary Pat Clarke  
Eric Costello  
Sharon Green Middleton  
Leon Pinkett  
Robert Stokes