

FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #17-0158 / REZONING – 1770 AND 1780 UNION AVENUE		

DATE:

TO

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

January 12, 2018

At its regular meeting of January 11, 2018, the Planning Commission considered City Council Bill #17-0158, for the purpose of changing the zoning for the properties known as 1770 Union Avenue (Block 3575C, Lot 068) and 1780 Union Avenue (Block 3575C, Lot 068C), as outlined in red on the accompanying plat, from the I-2 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 #17-0158 and adopted the following resolution nine members being present (nine in favor):

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #17-0158 be passed by the City Council.

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

TJS/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. David Tanner, BMZA
 Mr. Geoffrey Veale, Zoning Administration
 Ms. Sharon Daboin, DHCD
 Ms. Elena DiPietro, Law Dept.
 Mr. Francis Burnszynski, PABC
 Ms. Valorie LaCour, DOT
 Ms. Natawna Austin, Council Services
 Mr. Al Barry



Catherine E. Pugh
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Thomas J. Stosur
Director

January 11, 2018

REQUEST: City Council Bill #17-0158/ Rezoning – 1770 and 1780 Union Avenue:

For the purpose of changing the zoning for the properties known as 1770 Union Avenue (Block 3575C, Lot 068) and 1780 Union Avenue (Block 3575C, Lot 068C), as outlined in red on the accompanying plat, from the I-2 Zoning District to the I-MU Zoning District.

RECOMMENDATION: Approval

STAFF: Eric Tiso, AICP

PETITIONER(S): GRP 1770 Union Ave, LLC, and GRP 1780 Union Ave, LLC, c/o Al Barry

OWNER: GRP 1770 Union Ave, LLC, and GRP 1780 Union Ave

SITE/GENERAL AREA

Site Conditions: The buildings known as 1770 and 1780 Union Avenue are a part of a larger parcel addressed as 1810 Union Avenue. This property is uniquely located, in that it is bounded by the Jones Falls on the east and north, and railroad tracks on the west, which means access is only from Union Avenue as a one-way in and out road connecting to Clipper Road. The site is currently improved with three large industrial buildings of varying size, and is now zoned I-2 (previously M-2-1 under the former zoning code).

General Area: This property is located on the eastern edge of the Woodberry neighborhood, though it is physically isolated from the rest of the neighborhood. In total, the neighborhood has a wide mix of uses, including residential, industrial, Planned Unit Developments (PUDs), and commercial (including TV hill).

HISTORY

There are no previous legislative or Planning Commission actions regarding this site.

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 was created with the new Article 32 – *Zoning* because of a need for additional types of industrial districts that would meet a broader spectrum of needs for the industrial users, and also to allow for the reuse of existing buildings that would otherwise be demolished rather than reused. Among these new districts is the Industrial- Mixed-use (I-MU) category. That new zoning district was applied in a variety of areas around the City, including immediately to the south of this site, on the other side of the 41st Street bridge, as well as on the opposite side of the Jones Falls to the east. City Council Bill #17-0103 proposed that 1700 West 41st Street, which is across the Jones Falls, directly to the east of this site, also be rezoned to I-MU from the I-2 district. That bill is still in review by the City Council, and was recommended for approval by the Planning Commission in its meeting of August 27, 2017. Functionally, this bill will enlarge an existing I-MU zoning district around the Jones Falls/ 41st Street node by adding this property with three industrial buildings that could be used for a variety of business or industrial options, while remaining geographically separated from nearby residential communities by the combination of the Jones Falls and the railroad tracks.

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 these buildings.

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 this property and its large existing readily adaptable commercial-industrial buildings 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 property is not in a residential neighborhood, but rather is an isolated strip of land that 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.

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 the subject property I-2, and that rezoning it I-MU would be appropriate as a way to encourage and facilitate its productive reuse and employment potential.

Background: These properties already have a variety of committed tenants, which include:

1. Sharebaby – a non-profit organization that will use 9,542 sqft of space for storage and distribution of diapers to local families in need. They've grown tremendously in the past two years and are now contributing over 250,000 diapers to babies in need every year.
2. Maryland Book Bank – will use 9,000 sqft of space for both warehousing and storage as well as retail sales of the books as part of the Baltimore Warehouse Collaborative. That organization, which is a first in its kind, is a non-profit collaborative that provides local organizations the space and warehousing needed to service Baltimore City. This will be an improvement for them after working for years in a dimly lit warehouse with no restrooms.
3. Bedtime in a Box – this group is also part of the Baltimore Warehouse Collaborative that provides all necessary items for the bedtime routine to children in Baltimore City, whose families cannot afford these items. Using 5,000 sqft, they will also have retail sales here.
4. Leveling the Playing Field – this group is also part of the Baltimore Warehouse Collaborative, that supplies sports equipment to under-privileged Baltimore City children. They will use 4,000 sqft and will have a retail sales component.
5. Anything Wood and Metal – A manufacturer of different items using wood and metal (restaurant furniture, etc.). They will occupy 15,045 sqft.
6. Section 1 – an art co-operative group that is already occupying 18,000 sqft in the basement and have committed to taking an additional 4,700 sqft for additional arts programs.

Notification: The Woodberry Community Association and three adjacent property owners have been notified of this action.



Thomas J. Stosur
Director