

FROM	NAME & TITLE	CHRIS RYER, DIRECTOR <i>Chris Ryer</i>	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #24-0574 / REZONING – 1921 LIGHT STREET		

TO

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

DATE: August 23, 2024

At its regular meeting of August 22, 2024, the Planning Commission considered City Council Bill #24-0574, for the purpose of changing the zoning for the property known as 1921 Light Street (Block 1038, Lot 005), as outlined in red on the accompanying plat, from the R-8 Zoning District to the C-1 Zoning District; and providing for a special effective date.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended approval of City Council Bill #24-0574 and adopted the following resolution, with seven members being present (seven in favor):

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, adopts the findings and equity analysis outlined in the staff report, with consideration for testimony and facts presented in the meeting, and recommends that City Council Bill #24-0574 be **approved** by the City Council.

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

CR/ewt

attachment

cc: Ms. Nina Themelis, Mayor's Office
The Honorable Eric Costello, Council Rep. to Planning Commission
Mr. Colin Tarbert, BDC
Ms. Rebecca Witt, BMZA
Mr. Geoffrey Veale, Zoning Administration
Ms. Stephanie Murdock, DHCD
Ms. Elena DiPietro, Law Dept.
Mr. Francis Burnszynski, PABC
Mr. Liam Davis, DOT
Ms. Natawna Austin, Council Services
Mr. Joe Woolman, Esq.



Brandon M. Scott
Mayor

PLANNING COMMISSION

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

STAFF REPORT



Chris Ryer
Director

August 22, 2024

REQUESTS:

City Council Bill #24-0573/ Repeal of Ordinance 04-824 - Planned Unit Development - 1901 Light Street, 1921 Light Street, Bed of Johnson Street, and Block 1947, Lot 1:

For the purpose of repealing Ordinance 04-824, which designated certain property located at 1901 Light Street, 1921 Light Street, Bed of Johnson Street, and Block 1947, Lot 1 a Residential Planned Unit Development; and providing for a special effective date.

City Council Bill #24-0574/ Rezoning - 1921 Light Street:

For the purpose of changing the zoning for the property known as 1921 Light Street (Block 1038, Lot 005), as outlined in red on the accompanying plat, from the R-8 Zoning District to the C-1 Zoning District; and providing for a special effective date.

RECOMMENDATIONS:

City Council Bill #24-0573: Approval

City Council Bill #24-0574: Approval

STAFF: Eric Tiso

PETITIONER: 1921 Light Street Manager, LLC c/o Joseph Woolman

OWNERS: Ossani Investments, Inc. (1921 South Light Street); LA/NESCO, LLC (101 East Wells Street and two descriptive lots)

SITE/GENERAL AREA

Site Conditions: These properties are located on the southeastern corner of the intersection of East Wells Street and South Light Street. Planned Unit Development (PUD) #126 includes four lots: 1921 South Light Street, 101 East Wells Street (formerly known as 1901 South Light Street), a former right-of-way parcel (Block 1038, Lot 006), and (Block 1947, Lot 001). This site is also listed as the National Enameling & Stamping Company National Register Historic District.

General Area: These properties are located at the southern tip of the Riverside neighborhood, just north of the railroad tracks. This neighborhood is bounded by the B&O Railroad tracks on the south, South Light Street on the west, West Cross Street on the north, and Key Highway on the east. The neighborhood contains a wide mix of uses, and as well as a mix of rowhomes and high-density multi-family buildings.

HISTORY

- Ord. #04-824, dated November 23, 2004 established the NESCO PUD #126.
- Ord. #04-823, dated November 23, 2004, was a companion rezoning action that rezoned these properties from the M-3 to the R-8 zone under the prior zoning code.
- Ord. #04-825, dated November 23, 2004, was a companion sale of property action that conveyed the bed of a portion of the former Johnson Street to the applicants.

ANALYSIS

Article 32 – *Zoning*, §13-205 provides for the repeal of PUDs:

§ 13-205. Repeal of PUDs.

In determining whether to approve the repeal of a planned unit development, the Planning Commission and the City Council must find that:

- (1) the repeal of the planned unit development is in the public interest; and
- (2) the approved final development plan of the planned unit development:
 - (i) has been substantially completed;
 - (ii) is no longer necessary in light of the property's underlying zoning;
 - (iii) is no longer consistent with the City's Master Plan; or
 - (iv) has been abandoned by the property owner.

The former NESCO building, and the adjacent warehouses (formerly the Guardian Warehouse) were designated in a PUD in order to provide for the possibility of their adaptive reuse for residential and supporting commercial uses. These buildings, and other formerly industrial buildings in the immediate area were no longer feasible for continued industrial use, and so the companion rezoning designated these properties as R-8 residential, since the M-3 zoning was no longer needed to protect outmoded industrial buildings. The PUD provided for a variety of industrial and commercial uses so that a transition in use over time would be possible without the requirement for individual use approvals. 1921 Light Street is now ready for redevelopment. Our current zoning code has tools available that weren't available under the prior zoning code, and so a repeal of the PUD along with a companion rezoning to C-1 will enable the completion of this planned redevelopment, fulfilling the original vision of the PUD.

REZONING REQUIREMENTS

Below are the approval standards under §5-508(b) of Article 32 – *Zoning* for proposed zoning map amendments:

(b) *Map amendments.*

(1) *Required findings.*

As required by the State Land Use Article, the City Council may approve the legislative authorization based on a finding that there was either:

- (i) a substantial change in the character of the neighborhood where the property is located; or
- (ii) a mistake in the existing zoning classification.

(2) *Required findings of fact.*

In making the determination required by subsection (b)(1) of this section, the City Council must also make findings of fact that address:

- (i) population changes;
- (ii) the availability of public facilities;
- (iii) present and future transportation patterns;
- (iv) compatibility with existing and proposed development for the area;
- (v) the recommendations of the City agencies and officials; and
- (vi) the proposed amendment's consistency with the City's Comprehensive Master Plan.

(3) *Additional standards – General*

Additional standards that must be considered for map amendments are:

- (i) existing uses of property within the general area of the property in question;
- (ii) the zoning classification of other property within the general area of the property in question;
- (iii) the suitability of the property in question for the uses permitted under its existing zoning classification; and
- (iv) the trend of development, if any, in the general area of the property in question, including changes, if any, that have taken place since the property in question was placed in its present zoning classification.

Required Findings:

Per §5-508(b)(1) of Article 32 – *Zoning*, and as required by the State Land Use Article, the City Council may approve the legislative authorization based on a finding that there was either: (i) a substantial change in the character of the neighborhood where the property is located; or (ii) a mistake in the existing zoning classification. In this case, the repeal of the Planned Unit Development will be a significant change to these properties. Rezoning 1921 South Light Street to C-1 retains a modern approximation of the mix of residential and commercial uses that were created under the PUD. To complete the redevelopment evolution, the former industrial uses contained in the PUD will be phased out with its repeal, and will not be replaced by the proposed C-1 zoning. That C-1 zoning is more appropriate to the surrounding neighborhood following the transition from industrial to residential uses along with supporting commercial.

Maryland Land Use Code – Requirements for Rezoning:

The Land Use Article of the Maryland Code requires the Planning Commission and the Board of Municipal and Zoning Appeals (BMZA) to study the proposed changes in relation to: 1. The plan; 2. The needs of Baltimore City; and 3. The needs of the particular neighborhood in the vicinity of the proposed changes (*cf.* MD Code, Land Use § 10-305 (2023)). In reviewing this request, the staff finds that:

- 1. The Plan:** While the preservation of industrial uses is important to the City, the industrial era of this neighborhood has disappeared over the past twenty years. It has instead been replaced by a surge of higher density residential use in this area, bringing new vitality and investment to the surrounding area.
- 2. The needs of Baltimore City:** There is a need for providing attractive, new-construction residential development and increase the tax base of the City. The repeal of the PUD and rezoning to a compatible commercial zone will support this need, and the trend in the surrounding area over the past two decades.
- 3. The needs of the particular neighborhood:** This immediate area (within a two block radius) has seen residential redevelopment of properties such as 2 East Wells Street, and 1901 South Charles Street. While those two significant redevelopment opportunities were enabled by simple rezoning efforts that allowed for the razing of those sites, and new construction, the former NESCO campus has historic significance, and required a more sensitive effort over time to meet the increasing demand for more residential use in this area.

Similarly, the Land Use article, also adopted by Article 32 – *Zoning* §5-508(b)(2), requires the City Council to make findings of fact (MD Code, Land Use § 10-304 (2023)). The findings of fact include:

1. **Population changes;** Between the 2010 and 2020 census, the population of the Riverside Neighborhood increased from 5,671 to 6,523 people.
2. **The availability of public facilities;** The majority of the neighborhood is well developed, and is well served by public facilities.
3. **Present and future transportation patterns;** The proposed rezoning and redevelopment of this site will not have any significant impact to transportation patterns in the area.
4. **Compatibility with existing and proposed development for the area;** The rezoning will enable additional redevelopment of the kind within a two-block radius of this site, which are therefore compatible.
5. **The recommendations of the Planning Commission and the Board of Municipal and Zoning Appeals (BMZA);** For the above reasons, the Planning Department will recommend approval of the rezoning request to the Planning Commission. The BMZA will comment separately on this bill.
6. **The relation of the proposed amendment to the City's plan.** This rezoning action is compatible with the initial plan of the PUD, and furthers the Citywide goal of increasing our population.

There are additional standards under Article 32 – *Zoning* §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 redevelopment that will be enabled by this rezoning is similar to what has been done in the immediate area as it transitions from underutilized industrial properties into a mix of residential and commercial uses.
- (ii) **the zoning classification of other property within the general area of the property in question;** The surrounding neighborhood is predominantly R-8 residential, with the exception of a few redeveloped or mixed-use sites that are OR-2, C-1, or C-2 zoned. This property's proposed C-1 classification will follow the model used by 2 East Wells Street, two blocks to the west.
- (iii) **the suitability of the property in question for the uses permitted under its existing zoning classification; and** The underlying R-8 residential zone is neither dense enough nor does it have the ability to provide for supporting commercial uses that will enliven the street level. Rezoning to C-1 is the appropriate tool to provide that mix of uses at a density needed, while not requiring a large amount of parking.
- (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.** The proposed rezoning, and its companion repeal of the PUD is following the pattern of a few other properties in the immediate area.

Below is the staff's review of the required considerations of §5-508(b)(3) of Article 32 – *Zoning*, where staff finds that this change is in the public's interest, in that it will allow for the redevelopment of 1921 Light Street, and will remove the impediments of a PUD that has been completed and is no longer needed.

Equity:

This PUD was created for a reasonable purpose twenty years ago, but the challenges with zoning tools of that time have been solved by a more modern zoning code. The continued redevelopment of the final property will support the overall neighborhood by attracting new residents. The properties will be able to continue operations under the requirements of the underlying zoning district, without the burden of a PUD that has outlived its usefulness. No additional staff time or resources will be devoted following the repeal of this PUD.

Notification: The Riverside Neighborhood Association has been notified of this action.



Chris Ryer
Director