

LAND USE COMMITTEE

FINDINGS OF FACT

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:

City Council Bill No: 19-0474

Rezoning - 3925 Gough Street

Upon finding as follows with regard to:

- (1) Population changes;

There have not been significant population changes in Highlandtown in the interval between the adoption of the IMU-1 / IMU-2 comprehensive rezoning and associated mapping of zoning districts, and the present time.

- (2) The availability of public facilities;

This site is well-served by public services and utilities, which can also support redevelopment or reuse of this site.

- (3) Present and future transportation patterns;

There would be no effect upon present or future transportation patterns in the area as a result of the rezoning.

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

The proposed zoning district is compatible with the existing and proposed development for the area, as there has been an increase in office, retail, and arts uses in the neighborhood in recent years.

- (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	None
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 proposed action would support goals contained in the Comprehensive Master Plan for Baltimore City, specifically Live Goal 1: Build Human and Social Capital by Strengthening Neighborhoods, Objective 2: Strategically Redevelop Vacant Properties Throughout the City; and Earn Goal 1: Strengthen Identified Growth Sectors, Objective 1: Retain and Attract Businesses in all Growth Sectors. It would also support Neighborhoods Strategy #2: Support programs and policies to increase investments in neighborhoods as established by the Baltimore Sustainability Plan. In addition to the permitted light industrial uses, the IMU-2 zoning district will enable a wider variety of commercial and retail uses. This wider allowance of uses will help to generate employment and investment, while at the same time, the continued prohibition on residential development will serve to buffer nearby existing industrial areas from residential encroachment. The zoning change will support the growing arts and entertainment economy within the Highlandtown community by allowing for additional arts and commercial uses on the property. The continued prohibition of residential uses will also support the community by continuing to ensure a residential buffer away from Haven Street, which has been and will continue to be an important commercial trucking route.

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

Existing uses of property within the general area of this site are a mix of residential, light industrial, and commercial.

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

IMU-2 zoning would serve as an appropriate buffer between the R-8 zoning to the north and east and the I-1 zoning to the south and west. A small portion of this site would be adjacent to existing IMU-I zoning that is found just to the southwest of the subject property.

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

The current I-1 zoning designation limits the property to being primarily used for industrial uses. The property is ill-suited for modern industrial uses because it is relatively small, does not have on-site parking, and does not provide easy access for trucks. An expansion of permitted office and commercial uses will likely make the property more beneficial to the neighborhood.

- (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;

There have been recent and proposed developments in close proximity to this site, including the complete renovation of the property to the south (3840 Bank Street) for office use as well as a proposed multi-family apartment development nearby at 3819 Bank Street. In general, the Highlandtown neighborhood has continued to develop in a way that supports commercial, retail, and entertainment uses.

- (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:

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- (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 property has been vacant for years because it is ill-suited for modern industrial uses. The site is relatively small, does not have on-site parking, and does not provide easy access for trucks. The site is also adjacent to residential uses. Additionally, significant commercial development was occurring in the vicinity at the time of the last comprehensive rezoning. The property should have been included on the list of properties rezoned with the creation of the IMU-2 zoning district based on those characteristics.

SOURCE OF FINDINGS (Check all that apply):

[X] Planning Report – Planning Commission’s report, dated March 9, 2019, which included the Department of Planning Staff Report, dated February 20, 2020.

[X] Testimony presented at the Committee hearing

Oral – Witness:

- Matthew DeSantis, Planning Department
- Elena DiPietro, Law Department
- Representatives of other reporting agencies
- Ms. Caroline Hecker, Esquire, Rosenberg, Martin, Greenberg, LLP

Written:

- Department of Transportation, Agency Report – Dated June 22, 2020
- Board of Municipal and Zoning Appeals, Agency Report – Dated June 24, 2020
- Law Department, Agency Report – Dated June 18, 2020
- Baltimore Development Corporation, Agency Report – Dated December 26, 2019
- Parking Authority, Agency Report – Dated December 30, 2019

COMMITTEE MEMBERS VOTING IN FAVOR

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