


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 #19-0474 / REZONING – 3925 GOUGH STREET		

DATE:

TO

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

March 9, 2019

At its regular meeting of February 20, 2020, the Planning Commission considered City Council Bill #19-0474, for the purpose of changing the zoning for the property known as 3925 Gough Street, as outlined in red on the accompanying plat, from the I-1 Zoning District to the IMU-2 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended approval of City Council Bill #19-0474, and adopted the following resolution, eight members being present (eight in favor):

RESOLVED, That the Planning Commission concurs with the recommendation of its Departmental staff, and recommends that City Council Bill #19-0474 be passed 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. Nicholas Blendy, Mayor's Office
Mr. Matthew Stegman, Mayor's Office
Ms. Nina Themelis, Mayor's Office
The Honorable Edward Reisinger, Council Rep. to Planning Commission
Mr. Colin Tarbert, BDC
Mr. Derek Baumgardner, 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
Ms. Caroline Hecker, Esq.



Bernard C. "Jack" Young
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Chris Ryer
Director

February 20, 2020

REQUEST: City Council Bill #19-0474/ Rezoning – 3925 Gough Street:

For the purpose of changing the zoning for the property known as 3925 Gough Street (Block 6311, Lot 031), as outlined in blue on the accompanying plat, from the I-1 Zoning District to the IMU-2 Zoning District.

RECOMMENDATION: Approval

STAFF: Matthew DeSantis, AICP

PETITIONERS: Councilmember McCray, at the request of 3925 Gough Street, LLC

OWNER: 3925 Gough Street, LLC

SITE/GENERAL AREA

Site Conditions: This lot is located on the southwest corner of the intersection of Gough Street and Grundy Street. It measures 200' wide along Gough Street and 145' deep along Grundy Street, comprising 29,000 square feet or approximately .66 acres. The property is currently improved with a vacant one-story industrial building.

General Area: This site is located in the Highlandtown neighborhood, which is comprised of a mixture of medium-density attached residential dwellings, neighborhood-scale commercial establishments, and light industrial uses. Directly to the north of the subject property is Highlandtown Elementary / Middle School #237, to the west are two-story attached residential dwellings, to the south is a one-story warehouse/office building, and to the east is light industrial. This property is also located within the State-designated Highlandtown Arts and Entertainment District.

HISTORY

The site is currently zoned I-1 (Light Industrial), a designation shared by the properties to the immediate south and east, and has had this zoning designation since the effective date of Transform Baltimore in 2017. Prior to this, the property was zoned M-1-2 (Light Manufacturing). The property has been vacant for at least the past several years after the previous use, an automotive repair business, vacated the property.

CONFORMITY TO PLANS

The proposed action would be consistent with the following aspects of LIVE EARN PLAY LEARN, the Comprehensive Master Plan for Baltimore City:

- Live Goal 1: Build Human and Social Capital by Strengthening Neighborhoods, Objective 2: Strategically Redevelop Vacant Properties Throughout the City.
- Earn Goal 1: Strengthen Identified Growth Sectors, Objective 1: Retain and Attract Businesses in all Growth Sectors

Additionally, the proposed action would be consistent with the following aspects of the Baltimore City Sustainability Plan:

- Neighborhoods Strategy #2: Support programs and policies to increase investments in neighborhoods

ANALYSIS

This property was rezoned from M-1-2 to I-1 during the Transform Baltimore comprehensive rezoning process in 2017. Transform Baltimore also established a new zoning district, known as IMU (Industrial Mixed Use). The purpose of this new zoning category was to encourage the reuse of older industrial buildings for light industrial uses, as well as a variety of non-industrial uses.

CCB #18-0277 (enacted via Ordinance 19-244 on April 29, 2019) was a comprehensive zoning bill introduced in effort to further modify the IMU zoning district by splitting it into an IMU-1 and IMU-2 districts, the later with the express intention of not permitting residential uses. The companion bill, CCB #18-0294 (enacted via Ordinance 19-304 on June 11, 2019), was a comprehensive zoning bill to update the zoning map in order to designate properties as IMU-1 and IMU-2. Staff’s analysis concludes that this parcel should have been rezoned to IMU-2 at the time of that comprehensive rezoning and that it not being so constitutes a mistake because the City Council and Planning staff failed to take into account existing facts about the property and its suitability to be rezoned to the IMU-2 district.

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 for the reuse of the property in a way compatible with the surrounding neighborhood context.

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 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.
2. **The needs of Baltimore City:** 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.
3. **The needs of the particular neighborhood:** 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.

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 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 adoption of this bill.
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 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.** As noted previously, rezoning of this property to the IMU-2 zoning district would be consistent with the City's plan.

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;**
Existing uses of property within the general area of this site are a mix of residential, light industrial, and commercial.
- (ii) **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-1 zoning that is found just to the southwest of the subject property.
- (iii) **the suitability of the property in question for the uses permitted under its existing zoning classification; and,** The current I-1 zoning designation limits the property to being primarily used for industrial uses. It is possible that because of this limitation the site has been vacant for a number of years and so an expansion of permitted office and commercial uses will likely make the property more beneficial to the neighborhood.
- (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 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.

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. Planning staff consider the circumstances of the zoning of the property to be rezoned by City Council Bill 19-0474 to be reflective of a mistake in zoning classification, as the property should have been rezoned to the IMU-2 district at the time of the last comprehensive rezoning.

Notification: The Highlandtown Community Association and the Southeastern Community Development Corporation have been notified of this action (and both have submitted letters of support).

A handwritten signature in blue ink, appearing to read 'Chris Ryer', with a stylized, looping flourish.

Chris Ryer
Director