


|      |                       |  |                                     |  |
|------|-----------------------|--|-------------------------------------|--|
| FROM | NAME & TITLE          | CHRIS RYER, DIRECTOR   | CITY of<br>BALTIMORE<br><b>MEMO</b> |  |
|      | AGENCY NAME & ADDRESS | DEPARTMENT OF PLANNING<br>8 <sup>TH</sup> FLOOR, 417 EAST FAYETTE STREET |                                     |  |
|      | SUBJECT               | CITY COUNCIL BILL #22-0297 – REZONING –<br>2101 WASHINGTON BOULEVARD     |                                     |  |

TO

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

DATE: December 1, 2023

At its regular meeting of November 30, 2023, the Planning Commission considered City Council Bill #22-0297, for the purpose of changing the zoning for the property known as 2101 Washington Boulevard, from the C-2 Zoning District to the I-1 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended approval of City Council Bill #22-0297 and adopted the following resolution, with nine members being present (nine 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 #22-0297 be **amended and 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

November 30, 2023

**REQUEST:** City Council Bill #22-0297/ Rezoning – 2101 Washington Boulevard:

For the purpose of changing the zoning for the property known as 2101 Washington Boulevard (Block 0770, Lot 006) , as outlined in red on the accompanying plat, from the C-2 Zoning District to the I-1 Zoning District.

**RECOMMENDATION:** Amend, adopt findings, and approve, with the following amendments:

- On Page 1, in Line 14, strike I-2 and replace with I-1; and
- Rezone the adjacent unimproved City-owned lot known as Block 0770, Lot 007 from the C-2 Zoning District to the I-1 Zoning District.

**STAFF:** Eric Tiso

**PETITIONER:** J.R. Woolman, LLC o/b/o Washington Boulevard Business Trust

**OWNER:** Washington Boulevard Business Trust

#### **SITE/GENERAL AREA**

Site Conditions: This site is located on the southeastern side of the street, between I-95 and Western Avenue. The property is approximately triangular in shape, containing 1.504± acres of land, and is improved with a one-story office and industrial building and surface parking lot.

General Area: This property is located in the southwestern corner of the Carroll-Camden Industrial Area, at the intersection with three other neighborhoods. The Carroll Park Neighborhood is located across Washington Boulevard to the northwest on the north side of I-95, the tip of the Saint Paul neighborhood is located across I-95 to the south on the eastern side of Washington Boulevard, and the Morrell Park neighborhood is on the south side of I-95 west of Washington Boulevard, and extending east below the Saint Paul neighborhood.

#### **HISTORY**

- This property was previously zoned M-2-2 under the prior Zoning Code, but was rezoned as part of the comprehensive rezoning of the City in 2017 to C-2 Commercial zoning.
- Ord. #20-440 repealed and replaced the Carroll-Camden Urban Renewal Plan (URP).

## ZONING CODE 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.

## ANALYSIS

This property is located at the intersection of four neighborhood areas, adjacent to an interstate highway, between two parks, and is otherwise surrounded by industrial zoning. At the time of the Comprehensive Rezoning, the owners of the property were considering changing the use of the building to include more commercial uses, and petitioned to have their property rezoned. Since it was part of the City-wide Comprehensive Rezoning effort, it was not necessary at the time to meet the factors required for rezoning of land, as the Commission must do when considering properties by themselves. For that reason, it wasn't remarkable that this was a stand-alone property with C-2 zoning. Staff understands that in recent years, the owners have changed their minds, and would like to return the property to industrial zoning.

### **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. The applicant has submitted a memorandum in support of the rezoning with rationale to support a finding of a mistake.

### **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:** This site is located within the Carroll-Camden (URP) area, which designated the land uses within the plan area according to the zoning of the parcels. This proposal will not conflict with the intent of the URP update, though it should be reflected by an amendment to the land use plan in the URP.
- 2. The needs of Baltimore City:** Industrial zoning has been reducing in recent years, and there is benefit to the City as a whole by protecting and retaining industrial zoning in areas where the properties are conducive to industrial use and nodes of compatible zoning.
- 3. The needs of the particular neighborhood:** This site is located at the intersection of several neighborhoods, but more realistically, is surrounded by industrial uses, a couple of parks, and I-95. Preserving industrial in this location makes sense based on the context, and that there is low likelihood of negative impacts to any nearby residents.

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;** This site is located in the Carroll-Camden neighborhood statistical area, which is nearly devoid of residents. Between 2010 and 2020, population dropped from 64 to 28, which while appears significant in percentage terms, is perhaps less important as a consideration with so few people. In any case, the trend indicates that additional industrial use would not likely be detrimental to any nearby residents.
- 2. The availability of public facilities;** This area is well served by City infrastructure, which is not expected to change. As the building on the site is to be retained, there will be no change to that infrastructure, or for the provision of adequate services.
- 3. Present and future transportation patterns;** As the property has not practically changed in its use, there are no expected impacts.
- 4. Compatibility with existing and proposed development for the area;** The property is surrounded by either industrial uses, an interstate highway, or two nearby parks. As no change is proposed for the actual use of the property, there are no expected changes in compatibility.
- 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 has not yet commented on this bill.

6. **The relation of the proposed amendment to the City's plan.** There are no relevant specific plans for this area that would affect the consideration of this bill.

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;** This property is located adjacent to industrially zoned parcels on either side of Washington Boulevard north of the site. Directly across the street is the entry drive to the Carroll Park Golf Course. South of the property is the I-95 right-of-way, with the Maisel Street park and industrial uses beyond the highway to the south.
- (ii) **the zoning classification of other property within the general area of the property in question;** This property is adjacent to an IMU-1 zone to the north, I-2 industrial zone to the east, OS across the street to the west (Carroll Park Golf Course), and addition OS (Maisel Street Park) and I-1 zoning across the highway to the south.
- (iii) **the suitability of the property in question for the uses permitted under its existing zoning classification; and** As the use of the property will not change, it will continue to be suitable for continued industrial use.
- (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 no significant changes from development in the immediate area of this property. Zoning designations for the area remained fairly consistent from the prior zoning code, with the exception of the subject property, and with the OS zoning that was created in the current zoning code that didn't have an equivalent classification under the old code.

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 retain industrial zoning in a compact node of industrial uses, essentially undoing the mistake made in the Comprehensive Rezoning process.

**Amendments:** Staff has two recommended amendments – one will correct a typographical error Changing a reference to I-2 to the correct I-1 on Page 1, in Line 14. The other amendment is to also rezone the adjacent City-owned parcel from C-2 to I-1 as well. That parcel is a relatively narrow strip of land that is undeveloped, and serves as a buffer between the subject property and the I-95 right-of-way. There is no purpose to retaining C-2 zoning for that parcel, as any future possibility of sale and redevelopment of this parcel is unlikely, due to its odd shape and configuration.

**Background:** Staff understands that the owner of this parcel had some ideas that there might be possibilities of commercial use, and so made requests as part of the Comprehensive Rezoning of the City for, at first, IMU (as it was initially proposed as only one district), and later in the process as C-2, which was what was eventually adopted as part of the official zoning map. Over the years since the 2017 effective date of the current zoning code, no commercial redevelopment opportunities have been realized, and it has become apparent that this commercial zoning was a

mistaken venture. Restoring the industrial designation for this property is the most reasonable option, ensuring that its use does not remain nonconforming (as an industrial building in a commercial zone). A summary of the changes is attached below.

Equity:

Staff does not believe that the change in zoning for this parcel restoring industrial designation will have any particular impact on the surrounding properties, nor on any area residents, as the practical use of the parcel has not changed. Staff does not anticipate any impact on staff time or resources as a result from this action.

Notification: The Baltimore Industrial Group (BIG) has been notified of this action, and a letter of support has been provided for the Commission's consideration.



**Chris Ryer**  
**Director**

**Summary of changes under CCB #12-0152 - TransForm Baltimore – Zoning:**

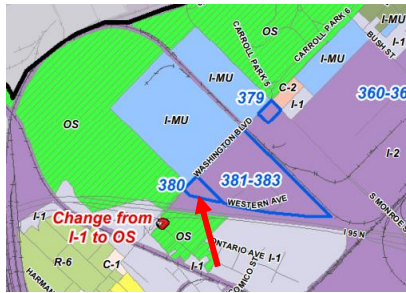
Excerpt from First Reader Map, sheet 10-A: (dark purple color indicates I-2)



**District 10 - TransForm Baltimore Map Amendment List – Aug 2016:**

|      |     |  |      |                 |    |       |     |      |   |
|------|-----|--|------|-----------------|----|-------|-----|------|---|
| M431 | 431 | Joseph R. Wollman III on behalf of J.R. Woolman, LLC | 2101 | Washington Blvd | 10 | M-2-2 | I-2 | I-MU | I-MU will provide necessary flexibility to accommodate growth |
|------|-----|--|------|-----------------|----|-------|-----|------|---|

Excerpt from District 10 - TransForm Baltimore Map Amendments – 31 Aug 2016:



Excerpt from 10th District Proposed Map Amendments – 5 Oct 2016:

Transform Baltimore - Map Amendments 10th Council District 10/5/2016

| id   | no  | Amendment Offered by                                 | Street Number | Street Address  | Block and Lot Number | Council District | Current Zoning | Transform Zoning Designation | Proposed Zoning | Notes                           |
|------|-----|--|---------------|-----------------|----------------------|------------------|----------------|------------------------------|-----------------|---------------------------------|
| M380 | 380 | Joseph R. Wollman III on behalf of J.R. Woolman, LLC | 2101          | Washington Blvd |                      | 10               | M-2-2          | I-2                          | C-2             | Notes for the building include: |

Land Use & Transportation Committee – Adopted Map Amendments – 24 Oct 2016:

**Amendment No. 17 {M380}**

For the following property, the Comprehensive Zoning Map accompanying Council Bill 12-0152 is amended by changing the zoning from proposed Zoning District I-2 to Zoning District C-2:

2101 Washington Boulevard

(Block 0770, Lot 006)

Excerpt from Third Reader Map, sheet 10-A:

