



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 #21-0180 / REZONING 2525 Insulator Drive		

TO

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

DATE: December 3, 2021

At its regular meeting of December 2, 2021, the Planning Commission considered City Council Bill #21-0180 for the purpose of changing the zoning for the property known as 2525 Insulator Drive, from the I-2 Zoning District to the PC-3 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended approval of City Council Bill #21-0180 and adopted the following resolution, with eight members being present (seven in favor and one abstention):

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, adopts the findings outlined in the staff report with consideration for testimony and facts presented in the meeting added in one additional note that the closing of Locke Insulator contributed to the substantial change, and recommends that City Council Bill #21-0180 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. Natasha Mehu, Mayor's Office
 Ms. Nina Themelis, Mayor's Office
 The Honorable Eric Costello, Council Rep. to Planning Commission
 Mr. Matthew Stegman, City Council President's Office
 Ms. Nikki Thompson, City Council President's Office
 Mr. Colin Tarbert, BDC
 Ms. Kathleen Byrne, 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, Rosenberg Martin Greenberg, LLP



Brandon M. Scott
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Chris Ryer
Director

December 2, 2021

REQUEST: City Council Bill #21-0180/ Rezoning – 2525 Insulator Drive

RECOMMENDATION: Approval

STAFF: Tamara Woods

PETITIONER: 28 Walker Development

OWNERS: Locke Insulator, Inc.

SITE/GENERAL AREA

Site Conditions: 2525 Insulator Drive is a waterfront property located on the southeast corner of the intersection of Cromwell Street and Insulator Drive. It is currently improved with a large warehouse structure. The property is 24.427 acres.

General Area: The property subject to this action is located in the Port Covington neighborhood. This parcel is surrounded to the east by Under Armour, Nick's Fish House to the west and north by Baltimore Sun and parcels E5A, E5B, E6 & E7, which are several new and the new Cromwell Street, all of which are under construction and part of the Port Covington Master Plan. The Middle Branch and Ferry Bar Channel are to the south.

HISTORY (this includes the entire Port Covington development area)

Pre TransForm Baltimore

- In January 1985, the Planning Commission approved a Marina Master Plan for Baltimore City.
- Ordinance #87-1075 established the Port Covington Urban Renewal Area.
- On December 4, 2003, the Planning Commission replaced the 1985 Marina Master Plan with the Maritime Master Plan for Baltimore City and adopted that plan. This plan makes specific recommendations for Port Covington, including limiting the number of marina slips to 400.
- On August 13, 2004, the Mayor and City Council approved Ordinance #04-0803 (City Council Bill #04-1343) concerning the construction of structures on piers.
- On September 20, 2007, the Planning Commission approved the Middle Branch Master Plan.
- On October 29, 2015, the Planning Commission approved the South Baltimore Gateway Master Plan.
- On June 23, 2016, the Planning Commission Approved the Port Covington Master Plan.

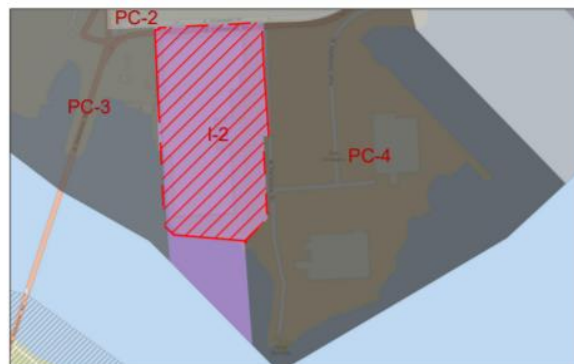
- On October 24, 2016, the Mayor signed Ordinance 16-528 for the creation of the Port Covington Development District, Ordinance 16- 259 for the Port Covington Bond Issuance and Ordinance 16-530 for the creation of the Port Covington Special Taxing District, in relation to the issuance of a TIF bond.
- On November 4, 2016 the Mayor signed Ordinance 16-539 for the repeal of the Port Covington Urban Renewal Area and Plan.
- On December 5, 2016 the Mayor signed Ordinance 16-572 for the Major Amendment to the Port Covington PUD to update for the Sagamore Spirit and Under Armour Redevelopments.
- On June 5, 2017, Article 32 (Zoning Code) went into effect with the new PC-1 through PC-4 zoning districts.

Post Enactment of New Zoning Code

- On June 15, 2017, the Planning Commission approved the “Port Covington Subdivision I” that reorganized existing lot lines in order to facilitate future subdivisions to create development parcels and establish a new street grid.
- On April 18, 2019 the Planning Commission Approved Port Covington Subdivision II for the creation on the new streets and parcels for the first development parcels north of Cromwell Street.
- On July 11, 2019- Planning Commission Approved Final Development Plans for Parcels E1- 250 Atlas Street, E5A & E5B - 2200 Anthem Street, E6 -10 Rye Street, E7- 301 Atlas Street.
- On April 16, 2020 – Planning Commission recommended approval of City Council Bill #20-0511 for the Sale of City Property for portions of Cromwell Street.
- On June 18, 2020- Planning Commission approved the design of Triangle Park
- On June 24, 2021- Planning Commission recommended approval of CCB #21-0079 to repeal the Planned Unit Development. (awaiting Mayor’s signature)
- On August 5, 2021- Planning Commission Approved design of Cromwell Street Park

ANALYSIS

Proposal: The contract purchaser, 28 Walker Development, has request to change the zoning for the property known as 2525 Insulator Drive (Block 1079, Lot 001) from the I-2 Zoning District to the PC-3 Zoning District (shown below with the red hatch). Though the applicant of this rezoning request is in the process of preparing a development proposal for the site, this request is separate and apart from any development reviews and approvals for a specific future proposal for the site.



Area Background: While the subject parcel 2525 Insulator Drive is not part of the Port Covington Master Plan or the adjacent Under Armour campus, it is surrounded by both efforts. At the time of planning for both of the development efforts, Locke Insulators was still an active business and the future of the site was not determined or considered as an active redevelopment site. That being said, West Peninsula Drive is the shared street between 2525 Insulator Drive and the Under Armour Campus and was considered during the planning because of site circulation.

The larger plan for the area is the Port Covington Master Plan, which was adopted by the Baltimore City Planning Commission on June 23, 2016 after a six-month public master planning process conducted with the Urban Design and Architectural Review Panel. Implementation of the Master Plan is underway and will redevelop approximately 260 acres of underutilized industrial land into a new City neighborhood. The Master Plan provides for approximately 46 blocks of mixed-use development and more than 40 acres of open space and is envisioned to span over the course of the next 20 years. At the same time, Under Armour was planning for expansion of their adjacent site for a new world headquarters. In 2016, the existing Planned Unit Development, which covered the Under Armour campus and Sagamore Spirit, was amended to reflect the new planned developments. Since that time City Council Bill #21-0079 has been introduced to repeal the PUD and is awaiting signature by the Mayor.

Also, in 2016, the Mayor and City Council was in the process of passing and signing into the law the City's new zoning code. As part of the rewrite effort new Port Covington Zoning Districts were created, PC-1 through PC-4. Both the Under Armour Headquarters campus and the broader Port Covington redevelopment plan area were mapped with the new PC Zoning Districts. At the time that the new zoning code was working its way through City Council in 2016, Locke Insulator was still in operation and thus zoned to I-2, which is the new industrial classification in the current zoning code. This facility did not close until 2017. There is now a new contract purchaser that is contemplating a residential use.

REQUIRED FINDINGS

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 § 10-305 (2019)). In reviewing this request, the staff finds that:

- 1. The Plan:** The City's Comprehensive Master Plan LIVE EARN PLAY LEARN is not so specific as to speak to specific properties, but the goals of property reuse, providing new housing opportunities, improving access to recreation and economic growth are clear. The proposed rezoning of the subject property is in keeping with those plan goals.
- 2. The needs of Baltimore City:** There has been a clear and consistent goal to increase the City's population, strengthen the economy and provide more housing opportunities. While the current I-2 zoning category does provide for the continued ability for industry, the proposed PC-3 zoning category provides for a wider breadth of uses that includes not only

industrial uses, but commercial/office, residential and recreational uses. This category provides the most ability to reuse a site that is no longer functioning as an industrial use in an area that is planned to be mixed use.

3. **The needs of the particular neighborhood** While not expressly “planned” for in the Port Covington Master Plan or Under Armour plans, the subject property 2525 Insulator Drive, it is surrounded by planning efforts that expressly provide for the creation of a new mixed-use neighborhood within the City that would include light industry, such as Sagamore Spirit, Under Armour to recreation and new housing opportunities. The proposed PC-3 zoning category provided for the mixture of uses that could be built on this site and are currently under construction in the immediate vicinity.

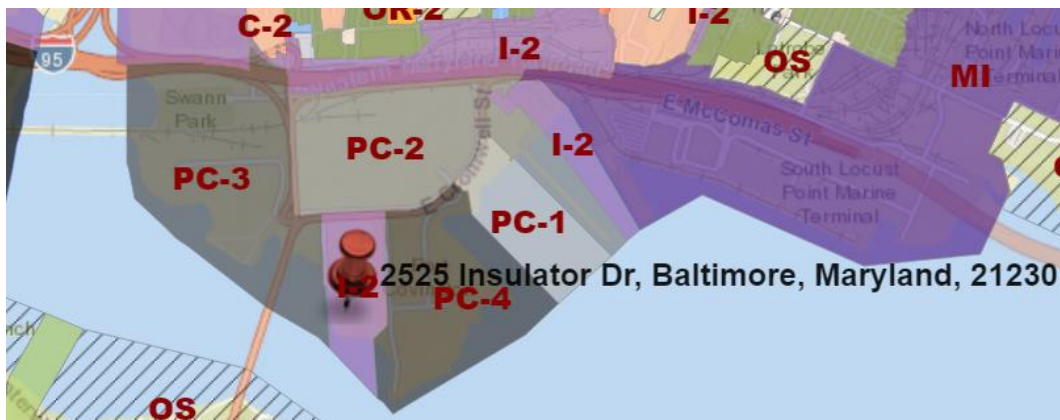
Similarly, the Land Use article requires the City Council to make findings of fact (MD Land Use Code § 10-304 (2019)). The findings of fact include:

1. **Population changes;** According to the ACS 5-year Estimate Survey and the 2020 Census, the Property’s census tract (tract 2303) has experienced population growth since 2017, going from approximately 1,306 residents to approximately 1,617 residents in three years.
2. **The availability of public facilities;** There are adequate public facilities available in the area where this property is located, and there are no plans to reduce or remove any of these facilities. Due to the construction in the area, the availability of public facilities may increase.
3. **Present and future transportation patterns;** Due to the construction of the new streets and parcels of Port Covington, there are currently road closures. Once construction is completed there will be a new road network in the area. However, both Insulator Drive and Cromwell Street will remain. The existing Cromwell Street will shift and there will be additional access points near this parcel.
4. **Compatibility with existing and proposed development for the area;** Uses that would be authorized by rezoning this property to PC-3 would be completely compatible with existing and planned uses for the area. There are very few existing uses and are primarily commercial. The construction underway will provide for housing that does not currently exist and increased commercial. The surrounding area is the only other area of the City that has the PC zoning categories. The PC-3 zoning category is immediately to the west, while the PC-4 zoning category is immediately to the East. In addition, other properties in the Port Covington plan area are zoned either PC-1 and PC-2. There is little I-2 zoned property remaining.
5. **The recommendations of the Planning Commission and the Board of Municipal and Zoning Appeals (BMZA);** 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.** Changing the zoning of the subject property to PC-3 would make it part of the continuous chain of the Port Covington zoning category that was created for this area. It has been applied to the majority of the Port Covington area thus helping to meet the Comprehensive Master Plan objective of providing more housing choices, recreational opportunities, retaining and attracting businesses in growth sectors of the economy.

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;** This portion of the City had historically been an industrial hub for the City of Baltimore. Over the course of several decades most of the heavy industry left and slowly transitioned to either light industry (Baltimore Sun and Sagamore Spirit) or commercial/ office (Walmart, Sams Club, Under Armour). Locke Insulator was one of the few remaining heavy industry sites. When it closed in 2017, the plans for the surrounding 260 acre area were well underway and contemplated to become mixed use. Given there is no current existing use, there is the opportunity for a new use for the Locke Insulator property to integrate into the larger plan for the area.
- (ii) **the zoning classification of other property within the general area of the property in question;** The majority of the properties in the area are zoned to a PC-1, PC-2, PC-3 or PC-4. There are very few I-2 properties remaining and they are not immediately adjacent.



- (iii) **the suitability of the property in question for the uses permitted under its existing zoning classification; and** While this property is suitable for the non-residential uses permitted under its existing zoning classification, the current zoning classification does not allow for residential use, which is the intended future use. In addition, the surrounding properties have been rezoned to the PC zoning districts.

(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. This property was placed in its zoning category in 2016 and enacted in June 2017. As mentioned above, the Port Covington area as a whole, has undergone a huge transformation including the subdivision for a new street grid and development parcels, as well as design approval for seven of those development parcels. This includes 5 building sites and two parks that are intended to become City owned.

Recommended Rezoning Based on Substantial Change

Maryland Land Use Article stipulates that a rezoning can only be approved based on either substantial change or mistake. Planning Staff does not find any evidence of a mistake in zoning 2525 Insulator Drive I-2 in the 2016/2017 zoning code rewrite. The first, most significant change was the enactment of the new code itself that allowed for the effectuation of the new PC zoning categories. Immediately following enactment of the code, for the first time this area was no longer zoned for just heavy industry. These categories never before existed in the City and provided the legal underpinning for the physical improvements that were to follow and further the implementation of the plan that was adopted in 2016.

In 2018, City staff from the Departments of Planning, Transportation, and Public Works, along with BDC staff, met with representatives from Weller Development over the course of several months to establish the basic dimensions and design features of this subdivision submission that would create the new Port Covington infrastructure and parcels of Chapter 1. The first building designs were approved a few months after the initial subdivision. This subdivision was approved in April 2019 Subdivision II and in July 2019 Final Development Plan Approval was given to the building in Chapter I. Two new parks have also been approved, Triangle Park in 2020 and Cromwell Street Park in 2021. The creation of the new street grid and the new development parcels focused on the following aspects:

- 1) Realignment of East Cromwell Street
- 2) Creation of Atlas Street and other connecting Streets
- 3) Establishment of new block structure and development parcels (approximately 15 parcels created)
- 4) Final Development Plans are approved for E1- 250 Atlas Street, E5A & E5B - 2200 Anthem Street, E6 -10 Rye Street, E7- 301 Atlas Street, Triangle Park and Cromwell Street Park.

The image below shows the approved grid for Chapter I, the location of the approved building sites outlined in red and the creation of two new parks: Triangle Park and Cromwell Street Park. In the image, one can see the Locke Insulator property in the lower left corner (highlighted with a red star). The streets and new buildings for Port Covington Chapter I are well under construction. The new building construction represents approximately 1 million square feet of new mixed-use development that was approved and started construction after June 5, 2017. This does not include the new streets under construction and the two new parks recently approved.



In addition, while the plans for the Under Armour World Headquarters campus have not been implemented as shown in the 2016 PUD amendment, there are plans under review for a sports facility.

EQUITY ANALYSIS

1) Short / long-term impact on surrounding community: The proposed rezoning will support the surrounding community. The immediate area is undergoing a large transformation that is transitioning the area from an industrial past to a mixed-use future. The rezoning will allow complement the plans for the area.

2) Impact on Baltimore’s existing patterns of inequity: The proposed rezoning will provide the opportunity for more housing, commercial and recreational opportunities. This site has long been an industrial site that has since closed. The jobs that were once there have gone, so the proposed rezoning is more of an opportunity to address any patterns of inequity that have existed in the area concerning new and affordable housing and upgraded recreational access to the water through such agreements as a Promenade Easement or new road infrastructure that would provide better access.

3) Has the community been meaningfully engaged: There are no community associations in the immediate Port Covington area, but Planning Staff has asked the applicant to reach out to local elected officials to help coordinate engagement. In addition, Staff has notified the SB-7 and South Baltimore Gateway Partnership. It is expected that as a future development proposal matures that there will be further engagement with neighborhoods in the area. In addition, our notification list goes to nearly 20,000 individuals that received notice of this meeting.

4) How are residents who have been historically excluded from planning processes being authentically included in the planning of the proposed policy or project: As mentioned above, the applicant is working with elected officials to identify and coordinate engagement to the surrounding neighborhoods, as there is no community association or residents in immediate vicinity.

5) Impact on internal operations: There will be no impact to internal operations beyond normal development review for any future proposals.

RECOMMENDATION

Based on the analysis above, including the Rezoning Standards and Findings of Fact, substantiated by the implementation of the master plan, as well as, the construction underway, Planning Staff finds that the area has undergone substantial change since June 5, 2017 when the new zoning code was enacted and recommends that Planning Commission approve City Council Bill #21-0181 to rezone 2525 Insulator Drive from I-1 to PC-3.

COMMUNITY NOTIFICATION

Notification for this application was given to the South Baltimore Neighborhood Association, South Baltimore Gateway Partnership, Under Armour, Weller Development Company and City Councilman Eric Costello. In addition, the site was posted as required.



Chris Ryer
Director