

ECONOMIC AND COMMUNITY DEVELOPMENT COMMITTEE

FINDINGS OF FACT

MOTION OF THE CHAIR OF THE ECONOMIC AND COMMUNITY DEVELOPMENT 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:

City Council Bill No: 22-0296
Rezoning - 810 Leadenhall Street

Upon finding as follows with regard to:

(1) Population changes;

The Otterbein neighborhood saw an increase in population between 2010 and 2020, growing from 1,823 to 2,677 (almost 32% growth).

(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 are no significant changes to transportation patterns forecasted for this area, and rezoning to TOD-3 would recognize the proximity to the existing Light Rail station within several blocks of this property.

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

This rezoning would recognize the trend in changes to zoning in this neighborhood, and immediately adjacent neighborhoods since the Comprehensive Rezoning of the City in 2017. TOD-3 zoning for this property would provide for residential redevelopment at a density appropriate for its proximity to the Light Rail station.

- (5) The recommendations of the City agencies and officials, including the Baltimore City Planning Commission and the Board of Municipal and Zoning Appeals;

The Planning Commission voted to recommend approval of the bill and the Board of Municipal and Zoning Appeals deferred to the Planning Commission's recommendation. The City agencies to which the bill was referred made the following recommendations:

Planning Commission	Favorable
Board of Municipal and Zoning Appeals	Defers to Planning
Department of Transportation	No Objection
City Solicitor	Favorable with Comments
Department of Housing and Community Development	No Objection
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 rezoning is compatible with the surrounding neighborhoods, and retention of the existing Industrial Mixed-Use zoning is not supported by the Comprehensive Plan or the Department of Planning's policy.

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

Most properties in the general area have residential existing uses.

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

The majority of the neighborhood is zoned R-7 and R-8 for residential use. There is a large area of TOD-4 zoning three blocks to the south of the property. The northern edge of the community is zoned C-5-DC as part of the Downtown Commercial zone. There are two small clusters of Commercial zoning (C-1 and C-2, respectively) and one node of OR-2 Office-Residential zoning.

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

The property is currently improved with a brick warehouse building, which may be used for a variety of uses approvable under the current IMU-1 zoning, though any use that isn't an industrial use would likely lead to redevelopment of the site.

- (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 is a multi-block node of TOD-4 zoning three blocks to the south, nearly equidistant to the south from the Light Rail stop. TOD zones didn't exist under the former zoning code. That TOD node was formed from land that was previously zoned M-2 Industrial, B-2 Commercial, and OR Office Residential Districts. The existing Industrial Mixed-Use zoning is no longer needed to accommodate existing light industrial uses (warehousing) and can be updated to complement surrounding residential zones.

- (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:

The subject property is located at the southern edge of the Otterbein neighborhood, which is predominantly residential. In the last comprehensive rezoning, the designation of this property was changed from M-2-2 (Industrial) to IMU-1 (Industrial Mixed Use). The IMU designation permitted residential uses but was consistent with the property's use as a warehouse, which would have been a nonconforming use if the property had been zoned residential. The subject property is the only remaining property in the area zoned for industrial use. The property is not located on a truck route.

Between 2010 and 2020 the population of the Otterbein neighborhood increased by almost 32%. There is a continuing trend in the neighborhood away from heavier industrial and commercial uses, and towards higher-density residential options with supporting light commercial uses. The property is near the light rail station at Hamburg Street. At the time of the last comprehensive rezoning, the TOD (Transit-Oriented Development) zones did not exist under the zoning code. Although the rezoning alone will not impact any existing patterns of inequity in the neighborhood: (1) it will remove the potential for industrial use impacts on the surrounding neighborhood, and (2) a proposed redevelopment of the property would provide smaller one- and two-bedroom apartments that are not currently being provided in the area.

- (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:

N/A

SOURCE OF FINDINGS (Check all that apply):

Planning Report – Planning Commission’s report, dated February 13, 2023.

Testimony presented at the Committee hearing.

Oral – Witness:

- Michele Toth, Law Department
- Eric Tiso, Planning Commission
- Liam Davis, Department of Transportation
- Stephanie Murdock, Department of Housing and Community Development
- Luis Cardona, Baltimore Development Corporation
- Kristen Misage, Parking Authority
- Sophia Gebrehiwot, Board of Municipal and Zoning Appeals

Written:

- Department of Transportation, Agency Report – Dated February 20, 2023
- Board of Municipal and Zoning Appeals, Agency Report – Dated November 7, 2022
- Law Department, Agency Report – Dated March 13, 2023
- Department of Housing and Community Development, Agency Report – Dated April 4, 2023
- Baltimore Development Corporation, Agency Report – Dated February 13, 2023
- Parking Authority, Agency Report – Dated December 16, 2022

COMMITTEE MEMBERS VOTING IN FAVOR

Sharon Green Middleton, Chair
John Bullock
Mark Conway
Antonio Glover
Odette Ramos
Robert Stokes